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RESPECTING THE

CENTRAL PARK

AND

OTHER WORKS

UNDER THE CONTROL OF

THE DEPARTMENT OF PUBLIC PARKS.

—○—

NEW YORK:
THE NEW YORK PRINTING COMPANY,
Nos. 81, 83, AND 85 CENTRE STREET.

1870.

~~Law 979.718.5~~

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Chap. 616.

AN ACT to alter the Map of the City of New York, by laying out thereon a public place, and to authorize the taking of the same.

Passed July 21, 1853; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that piece or parcel of land situate, lying, and being in the Twelfth, Nineteenth, and Twenty-second Wards of the City of New York, bounded southerly by Fifty-ninth street, northerly by One Hundred and Sixth street, easterly by the Fifth avenue, and westerly by Eighth avenue, is hereby declared to be a public place, in like manner as if the same had been laid out by the commissioners appointed in and by the act of the Legislature, entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April 3, 1807; and the map or plan of said city is hereby altered accordingly.

Boundaries.

Map altered.

SEC. 2. The Mayor, Aldermen, and Commonalty of the City of New York are hereby authorized to take the said piece of land for public use as and for a public square, pursuant to the act entitled "An act to reduce several laws relating particularly to the City of New York into one act," passed April 9, 1813; and the several acts amendatory thereto, or such portions thereof as are now in force, so far as the same are applicable to the laying out and taking of public squares and places in the City of New York, except as hereinafter provided; and

Authority to take the land.

all such portions of the said act, and of the said several acts amendatory thereto, as are applicable to the laying out and taking of public squares and places in said city, and as are now in force, shall apply to the taking and laying out of the piece of land above described as and for a public square, in the same manner, and to the same extent as if the said piece of land had been originally laid down as and for a public square upon the map or plan aforesaid of said city, except as hereinafter provided.

Commissioners of Estimate and Assessment to be appointed.

SEC. 3. Five persons shall be appointed Commissioners of Estimate and Assessment instead of three, and in case of the death, resignation, disqualification, or refusal to act of them, or either of them, it shall be lawful for the Supreme Court in the First Judicial District, at a general term thereof, on the application of the said Mayor, Aldermen, and Commonalty, and officers, as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the City of New York, in the place and stead of such Commissioner so dying, resigning, or refusing to act.

Three Commissioners may act.

SEC. 4. In every case of the appointment of Commissioners under this act, it shall be competent and lawful for any three of said Commissioners so to be appointed, to perform the trust and duties of their appointment, and their acts shall be as valid and effectual as the acts of all the Commissioners so to be appointed, if they had acted therein, would have been, and in every case the proceedings and decisions of such Commissioners, being three in number, as shall be acting in the premises, shall be as valid and effectual as if the said Commissioners, appointed for such purpose, had all concurred and joined therein.

May allow damages.

SEC. 5. The said Commissioners may allow compensation for any building or buildings upon the said land, which may have

been built, placed, or erected thereon, after the time of the filing of the original maps or plan of the said city.

SEC. 6. Payment of the damages awarded by the said Commissioners shall be made and become due and payable, immediately upon the confirmation of the report of said Commissioners in the premises.

Damages,
when pay-
able.

SEC. 7. For the payment of so much of the damages awarded by the Commissioners of Estimate and Assessment, and the expenses, disbursements, and charges, in the premises, as shall exceed the amounts or sums that may be assessed by the said commissioners upon the parties and persons, lands and tenements, deemed by them benefited by the opening of such public square or place, it shall be lawful for the said Mayor, Aldermen, and Commonalty to raise the amount of such excess by loan, by the creation of a public fund or stock, to be called "The Central Park Fund," which shall bear an interest not exceeding five per centum per annum, and shall be redeemable within a period of time not exceeding forty-five years after the passage of this act, and for the payment of which the said piece of land so as aforesaid to be taken, shall be irrevocably pledged.

How paid.

SEC. 8. It shall be lawful for the Mayor, Aldermen, and Commonalty to determine what shall be the nominal amount or value of each share of said stock, and of what number of shares the same shall consist, and they are hereby authorized to sell and dispose of such shares at public auction, or at private sale, or by subscription for such stock, and on such terms as they shall think proper; said stock shall not be sold at less than its par value.

Stock.

SEC. 9. In order to pay the interest upon the stock hereby authorized, the Mayor, Recorder, and Aldermen of the City and

Interest on
stock.

County of New York, as the Supervisors thereof, are hereby authorized and empowered to order and cause to be raised by tax on the estates, real and personal, subject to taxation, according to law within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year, until the whole amount of the tax be paid, a sum of money sufficient to pay the interest annually accruing on said stock.

Provisions.

SEC. 10. The provisions of the act entitled "An act to regulate the finances of the city of New York, passed June 8, 1812," which are not repugnant to, or incompatible with, any provision in this act contained, shall apply to said stock.

SEC. 11. This act shall take effect immediately.

Chap. 771.

AN ACT for the Regulation and Government of the Central Park in the City of New York.

Passed April 17, 1857; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. So much of that piece or parcel of land, bounded southerly by Fifty-ninth street; easterly by the Fifth avenue; northerly by One Hundred and Sixth street, and westerly by the Eighth avenue, in the City of New York, as has been taken for a public place, confirmed by an order of the Supreme Court, bearing date the fifth day of February, in the year one thousand eight hundred and fifty-six, shall hereafter be known and entitled as "The Central Park," excepting out of said Central Park the land belonging to the State of New York, and occupied by and connected with the Arsenal, unless the City of New York shall acquire title thereto.

Boundaries
of Park.

"The Central Park."

SEC. 2. The said Park shall be under the exclusive control and management of a Board of Commissioners, to consist of eleven persons, who shall be named and styled "The Commissioners of the Central Park." Three members shall constitute a quorum of the Board for the transaction of business; but no action of the Board shall be deemed final or binding, unless it shall have received the approval of a majority of the Board, whose names shall be recorded in the minutes.

Control and
manage-
ment.

SEC. 3. Robert J. Dillon, James E. Cooley, Charles H. Russell, John F. Butterworth, John A. C. Gray, Waldo Hutchins, Thomas

Board of
Commis-
sioners.

Vacancies.

C. Fields, Andrew H. Greene, Charles W. Elliot, William K. Strong, and James Hogg, are hereby continued and constituted the first Board of Commissioners. They shall hold offices for five years, and shall receive no compensation for their services; each Commissioner shall, nevertheless, be entitled to be reimbursed the amount of his personal expenses in visiting and superintending the said Park, not exceeding the sum of three hundred dollars per annum. In case of a vacancy, the same shall be filled by the remaining members of the Board for the residue of the term then vacant; and all vacancies caused by expiration of terms of office, or neglect or incapacity of qualification, shall be filled by the Mayor, by and with the advice and consent of the Board of Aldermen.

Exclusive powers.

SEC. 4. The said board shall have the full and exclusive power to govern, manage, and direct the said Central Park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks, and other officers, except a police force, as may be necessary; to prescribe and define their respective duties and authority, fix the amount of their compensation; and generally in regard to said Park, they shall possess all the power and authority now by law conferred or possessed by the Common Council of said city, in respect to the public squares and places in said city.

Misdemeanors.

SEC. 5. It shall be a misdemeanor for any Commissioner, directly or indirectly, to be in any way interested in any contract or work of any kind whatever connected with said Park; and it shall be the duty of any Commissioner or other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Mayor, who shall hear such Commissioner in regard thereto; and if, after such hearing, he shall be satisfied of the truth thereof, the Mayor shall imme-

diately remove the Commissioner thus offending. Every Commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, which oath when subscribed, shall be filed in the office of the Clerk of the City and County of New York.

Oath of
office.

SEC. 6. The said Board shall annually, and in the month of January in each year, make to the Common Council of the said city, a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

Annual re-
port.

SEC. 7. It shall be lawful for the Commissioners to let from year to year any buildings, and the grounds attached thereto, belonging to the City of New York, now being within said Park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of the Park.

Leasing of
buildings
and ground.

SEC. 8. It shall be lawful for the said Commissioners to sell any buildings, improvements, and other materials now being within the said Park, being the property of the City of New York, which in their judgment shall not be required for the purposes of the Park, or for public use, the proceeds of which shall be deposited to the credit of the Commissioners, and devoted to the improvement of the Park.

Sale of prop-
erty.

SEC. 9. No plan for the laying out, regulation, and government of said Park shall be adopted or undertaken by the Commissioners, of which the entire expense when funded shall require for the payment of the annual interest thereon a greater sum than one hundred thousand dollars per annum.

Adoption of
plan.

SEC. 10. The Mayor, Aldermen, and Commonalty of the City of New York shall, from time to time, create and issue a public

Public fund.

fund or stock, to be denominated "The Central Park Improvement Fund," in such sums of money as shall be required by the said Board of Commissioners for the purposes of this act, subject to the limitations prescribed by the preceding ninth section hereof; all the provisions of the act entitled "An Act to regulate the finances of the City of New York," passed June eighth, eighteen hundred and twelve, so far as the same may be applicable, shall apply to the stock or fund thus created; such stock or fund shall be redeemable in thirty years from the issuing thereof; and the said Park shall be, and the same is hereby, specifically pledged for the redemption thereof.

When
redeemable.

Payment of
interest.

SEC. 11. For the payment of the interest on the said stock or fund, the Board of Supervisors of the City and County of New York shall order, and cause to be raised by tax on the estates, real and personal, subject to taxation according to law within said city and county, and to be collected in addition to the ordinary taxes, yearly and every year until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest annually accruing on said stock or fund, not exceeding the aforesaid limitation of one hundred thousand dollars per annum.

Moneys, how
and where to
be deposited.

SEC. 12. The moneys raised upon the fund or stock hereby authorized shall be deposited as fast as the same shall be realized, by the said Mayor, Aldermen, and Commonalty, to the credit of the said Board of Commissioners, with the New York Life Insurance and Trust Company, or with the United States Trust Company of New York, or with a bank or banks, as either shall be designated by said Board; such company, or bank or banks, shall allow interest upon such deposits as may be agreed upon with said Board, and shall open and keep an account with said Board. All moneys received by said Commissioners shall be immediately deposited with such company or bank to the credit

Interest.

of their account, and no moneys shall be drawn therefrom except upon a warrant signed by at least a majority of Commissioners, and countersigned by the Comptroller of the city, upon filing with him the receipt or other vouchers therefor; nor shall such moneys be drawn therefrom unless the same shall have been specifically authorized by the said Board, at a meeting thereof duly convened, and entered at length on their minutes.

SEC. 13. It shall be lawful for the said Board of Commissioners to agree with the Croton Aqueduct Board of the City of New York, for an exchange of lands belonging to the City of New York, now or hereafter in use for the Croton Aqueduct, and lying within the area bounded southerly by Fifty-ninth street; easterly by the Fifth avenue; northerly by One Hundred and Sixth street; and westerly by the Eighth avenue, in the City of New York; provided the same quantity of land, within the said area, be given in exchange. Such deeds shall be executed and delivered between the parties hereto, as shall give effect to any agreement made under this section.

Exchange of
lands.

SEC. 14. It shall be lawful for said Board of Commissioners, at any meeting thereof, duly convened, to pass such ordinances as they may deem necessary for the regulation, use, and government of said Park, not inconsistent with the ordinances and regulations of the Corporation of New York. Such ordinances shall, immediately upon their passage, be published for ten days in three daily newspapers, published in said city, to be selected by said Commissioners.

Ordinances.

SEC. 15. All persons offending against such ordinances, shall be deemed guilty of misdemeanor, and be punished on conviction before the Mayor, Recorder, or any magistrate of the City of New York, by a fine not exceeding fifty dollars; and in default of payment, by imprisonment not exceeding thirty days.

Violations.

SEC. 16. This act shall take effect immediately.

Chap. 101.

AN ACT to alter the map of the City of New York, by laying out thereon a public place, and to authorize the taking of the same.

Passed April 2, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Certain
lands de-
clared to be a
public place.

SECTION 1. All that piece or parcel of land situate, lying and being in the Twelfth ward of the city of New York, bounded southerly by the southerly side of One Hundred and Sixth street; northerly by One Hundred and Tenth street; easterly by the Fifth avenue, and westerly by the Eighth avenue, is hereby declared to be a public place, in like manner as if the same had been laid out by the Commissioners appointed in and by the Act of the Legislature of the State of New York, entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April third, eighteen hundred and seven.

Commission-
ers of Cen-
tral Park
may acquire
title thereto,
and how.

SEC. 2. The Board of Commissioners of the Central Park, for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, are authorized to acquire title to the said piece or parcel of land, for public use, as and for a public square, pursuant to the act entitled "An act to reduce several laws relating particularly to the City of New York into one act," passed April ninth, eighteen hundred and thirteen, and the several acts amendatory thereto, or such portions thereof as are now in force, so far as the same are applicable to the laying

out and taking of public squares and places in the City of New York (except as hereinafter provided), and all such portions of the said act and of the said several acts amendatory thereto, as are applicable to the laying out and taking of public squares and places in said city, and as are now in force, shall apply to the taking and laying out of the piece of land above described, as and for a public square, in the same manner and to the same extent as if the said piece of land had been originally laid down as and for a public square, upon the map or plan aforesaid, of said city, except as hereinafter provided.

SEC. 3. The said Board of Commissioners, in the name of the Mayor, Aldermen, and Commonalty of the City of New York, may present a petition to the Supreme Court, at any General or Special Term thereof, held in the First Judicial District, praying for the appointment of commissioners of appraisal; such petition shall be signed by any one of the officers of the said Board of Commissioners of the Central Park; and said Board of Commissioners of the Central Park may do all acts and things in and about the taking of said piece or parcel of land, and in and about the applying for the appointment of Commissioners to take the same, and all proceedings subsequent thereto, under and by virtue of the provisions of the last mentioned act, that the said Mayor, Aldermen, and Commonalty might or could do.

Board of Commissioners may present a petition to Supreme Court for appointment of commissioners of appraisal.

SEC. 4. A notice of the presentation of the application to the Supreme Court, by said Board of Commissioners, shall be given to the owners, lessees, parties and persons, respectively entitled unto or interested in the lands and premises mentioned in the first section of this act, by advertisement in four of the public newspapers having a large daily circulation in the City of New York, which shall be published daily, not less than thirty days;

Notices of such application to be given by advertisement in newspapers.

such notice shall specify the time and place where and when an application will be made for appointment of Commissioners of Appraisal of the said piece or parcel of land, and the extent of the land proposed to be taken.

Commissioners may propose names of persons for appraisers.

SEC. 5. The said Board of Commissioners of the Central Park, may, at the time and place of moving for the appointment of such Commissioners of Appraisal, propose to the Court the names of three suitable persons, and the owners, lessees, and parties and persons respectively entitled unto or interested in said premises, may likewise propose the names of three suitable persons as Commissioners of Appraisal, and an appeal to the General Term may be taken from the order of the Special Term appointing the Commissioners of Appraisal.

Commissioners of appraisal may allow damages for buildings taken.

SEC. 6. The said Commissioners to be appointed by the Supreme Court, under the provisions of the last mentioned act, may allow compensation for any building or buildings upon the said piece or parcel of land, which may have been built, placed, or erected thereon, after the time of the filing of the original maps or plans of said city.

Payment of damages, when to become due.

SEC. 7. Payment of the damages awarded by the said Commissioners shall be made and become due and payable immediately upon the confirmation of the report of the said Commissioners in the premises.

Commissioners not to be interested in certain real estate.

SEC. 8. No person shall be appointed a Commissioner of Appraisal who shall be an owner of or pecuniarily interested, directly or indirectly, in land in the City of New York, above Forty-second street.

Benefits may be assessed.

SEC. 9. For the payment of so much of the damages awarded by the Commissioners of Estimate and Assessment, and the ex-

penses, disbursements, and charges in the premises, as shall exceed the amounts or sums that be assessed by the said Commissioners, upon the parties and persons, lands and tenements, deemed by them benefited by the opening of such public place, it shall be lawful for the said Mayor, Aldermen and Commonalty to raise the amount of such excess by loan, by the creation of a public fund or stock, to be called and known as "The Central Park Additional Fund," which shall bear an interest not exceeding six per centum per annum, and shall be redeemable within a period of time not exceeding forty-five years after the passage of this act, and for the payment of which the said piece of land so as aforesaid to be taken, shall be irrevocably pledged.

SEC. 10. It shall be lawful for the said Mayor, Aldermen, and Commonalty to determine what shall be the nominal amount or value of each share of the said fund or stock, of what number of shares the same shall consist; and they are hereby authorized to sell and dispose of such shares at public auction, or at private sale, or by subscription for such stock, and on such terms as they shall think proper; said stock shall not be sold at less than its par value.

Mayor, &c.,
to sell stock.

SEC. 11. In order to pay the interest upon the said stock hereby authorized, the Board of Supervisors of the City and County of New York are hereby authorized and empowered to order and cause to be raised, by tax on the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes, yearly and every year, until the whole amount of said stock be paid, a sum of money sufficient to pay the interest annually accruing on said stock.

Interest on
stock to be
raised by
tax.

SEC. 12. The provisions of an act entitled "An act to regulate the finances of the City of New York," passed June eighth, eigh-

Act of 1813
made appli-
cable.

teen hundred and twelve, which are not repugnant to or incompatible with any provisions in this act contained, shall apply to said stock.

Said place to be a part of the Central Park, and be subject to the provisions of the act of 1857.

SEC. 13. The said public place, when taken as hereinbefore provided, shall, with the piece or parcel of land mentioned in the first section of an act entitled "An act for the regulation and government of the Central Park, in the City of New York," passed April seventeenth, eighteen hundred and fifty-seven, form and be "The Central Park," and shall, as to its laying out, control and management, be subject to all the provisions of said last mentioned act, and any acts amendatory thereof, or in addition thereto, and shall be under the exclusive control and management of the Board of Commissioners created thereby.

SEC. 14. This act shall take effect immediately.

Chap. 349.

AN ACT to amend an act entitled "An act for the Regulation and Government of the Central Park, in the City of New York," passed April seventeenth, eighteen hundred and fifty-seven, and further to provide for the maintenance and government of said Park.

Passed April 15, 1859; three-fifths being present. •

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of an act entitled "An act for the Regulation and Government of the Central Park, in the City of New York," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended to read as follows :

§ 2. The said Park shall be under the exclusive control and management of a Board of Commissioners to consist of not less than seven, nor more than eleven persons, who shall be named and styled "The Commissioners of the Central Park." A majority of the said Commissioners in office, for the time being, shall constitute a quorum for the transaction of business, and no action of the Board shall be final or binding unless it shall have received the approval of a majority of the said Board then in office, whose names shall be recorded in its minutes.

Under control of Commissioners of Central Park.

SEC. 2. Section three of said act is hereby amended so as to read as follows :

§ 3. The Commissioners of the Central Park now in office, and such persons as shall be appointed to fill the existing vacancy in said Board, are hereby continued and constituted the

Commissioners continued, &c.

Compensation.

said Board of Commissioners; they shall hold their office as such Commissioners for five years from the passage of the act hereby amended. No member of said Board shall receive any compensation for his services except the President or Treasurer, but each Commissioner shall nevertheless be entitled to receive for his personal expenses in visiting and superintending the said Park, a sum not exceeding three hundred dollars per annum. In case of a vacancy, the same may be filled by the remaining members of the Board for the residue of the term then vacant, and all vacancies occasioned by expiration of terms of office shall be filled by the Mayor, by and with the advice and consent of the Board of Aldermen of the City of New York.

SEC. 3. Section five of said act is hereby amended so as to read as follows.

Misdemeanor.

§ 5. It shall be a misdemeanor for any Commissioner to be, directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever connected with said Park; and it shall be the duty of any Commissioner or other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Mayor of the City of New York, who shall present the facts of the case to any two judges of the Supreme Court of the First Judicial District; such Judges shall hear in a summary manner such Commissioner in regard thereto, and any evidence he may offer, and if, after such hearing, they shall be satisfied of the truth thereof, and shall so certify to the Mayor, he shall immediately remove the Commissioner thus offending. Every Commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the Constitution of the State, which oath, when subscribed, shall be filed in the office of the Clerk of the City and County of New York.

Oath of office.

SEC. 4. Section nine of said act hereby amended is amended so as to read as follows:

§ 9. No plan for the laying out, regulation and government of said Park shall be adopted or undertaken by the Commissioners of which the entire expense, when funded, shall require for the payment of the annual interest thereon a greater sum than, one hundred and twenty-five thousand dollars per annum. Plan, expense of.

SEC. 5. Section eleven of said act hereby amended is amended so as to read as follows:

§ 11. For the payment of the interest on the said stock or fund, the Board of Supervisors of the City and County of New York shall order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest annually accruing on said stock or fund, not exceeding the aforesaid limitation of one hundred and twenty-five thousand dollars per annum. Interest on stock, how to be paid.

SEC. 6. The moneys mentioned in the twelfth section of the said act hereby amended may be drawn from the bank in which they may be deposited, by warrants, signed by a majority of said Commissioners in office, and all receipts and vouchers shall be filed in the office of said Board. Moneys.

SEC. 7. None of the said Commissioners, nor any person, whether in the employ of said Commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability for or on account of said Board, or the moneys or property under its control, except with the express authority of said Board conferred at a meeting thereof duly convened and held. Debt not to be created by Commissioner or employees, &c.

SEC. 8. Such portions of the act hereby amended as are inconsistent with the provisions of this act are hereby repealed.

Absence of
Commission-
ers.

SEC. 9. The office of either of the said Commissioners who shall not attend the meetings of the Board for three successive months, after having been duly notified of said meetings, without reasons satisfactory to said Board, or without leave of absence from said Board, may by said Board be declared vacant.

Real and
personal
property
granted, de-
vised, &c.

SEC. 10. Real and personal property may be granted, devised, bequeathed or conveyed to the Mayor, Aldermen, and Commonalty of the City of New York, for the purposes of the improvement or ornamentation of the Central Park in said city, or for the establishment or maintenance, within the limits of said Central Park, of museums, zoological or other gardens, collections of natural history, observatories, or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and agreed to by the said Mayor, Aldermen, and Commonalty; and all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof, shall be subject to the exclusive management, direction and control of the said Board of Commissioners of the Central Park.

SEC. 11. This act shall take effect immediately.

Chap. 363.

AN ACT to alter the Map or Plan of the City of New York.

Passed April 15, 1859; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of the Seventh avenue, in the City of New York, lying between the southerly side of One Hundred and Tenth street and the Harlem river, shall be widened on the map or plan of the said city, by adding thereto on each side thereof, twenty-five feet, so as to make the whole width of that part of the said avenue one hundred and fifty feet.

Part of Seventh avenue to be widened.

SEC. 2. The said part of the said Seventh avenue so to be widened, is hereby declared to be one of the streets or avenues of the City of New York, in like manner and with the like effect as if the same had been so laid out by the Commissioners appointed in and by the act entitled "An act relative to Improvements touching the Laying out of Streets and Roads in the City of New York, and for other purposes," passed April third, eighteen hundred and seven. The said part of the said avenue shall be laid out and regulated under the supervision of the Commissioners of the Central Park, but no action shall be taken in relation to said widening, until the owners of at least one-half of the front on the said part of the said avenue shall petition the Common Council for such widening.

Declared one of the streets of the city.

SEC. 3. This act shall take effect immediately.

Chap. 85.

AN ACT for the construction, regulation, maintenance, and government of the Central Park in the City of New York, and to provide additional means therefor.

Passed March 19, 1860; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Duty of .
mayor, al-
dermen and
commonalty.

SECTION 1. The Mayor, Aldermen, and Commonalty of the City of New York, shall hereafter, from time to time, as required by the Board of Commissioners of the Central Park, create and issue a public fund or stock, for the purpose of providing means for the laying out, construction, government, improvement, and regulation of the Central Park in the City of New York, to be denominated "The Central Park Improvement Fund," for a sum, the annual interest of which shall not exceed one hundred and fifty thousand dollars, but not more than one-third of the stock hereby authorized shall be issued in any one year from the date of the passage of this act. All the provisions of the act entitled "An act to regulate the finances of the City of New York," passed June eighth, eighteen hundred and twelve, so far as the same may be applicable, shall apply to the stock or fund thus created; such stock or fund shall be redeemable in thirty years from the issuing thereof; and the said Park shall be, and the same is hereby specifically pledged for the redemption thereof.

Supervisors
shall order
and cause a
tax to be
raised to pay
the interest
on said stock.

SEC. 2. For the payment of the interest on the said stock or fund, the Board of Supervisors of the City and County of New York, shall order and cause to be raised by tax, on the estates, real and personal, subject to taxation according to law, within

said city and county, and to be collected in addition to the ordinary taxes, yearly, and every year until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest annually accruing on said fund or stock, not exceeding the aforesaid limitation of one hundred and fifty thousand dollars per annum.

SEC. 3. The moneys raised upon the fund or stock hereby authorized, and the moneys raised under the fourth section of this act, shall be deposited by the Comptroller of the City of New York, as fast as the same shall be realized, by the said Mayor, Aldermen, and Commonalty, to the credit of the said Board of Commissioners, with the New York Life Insurance and Trust Company, or with the United States Trust Company of New York, or with such bank, or such banks as have been or shall be designated by said board; such moneys shall be used and appropriated by said Board of Commissioners for the construction, improvement, regulation, and government of the said Central Park, and shall be drawn from said bank or company by a warrant signed by at least a majority of Commissioners, after the same shall have been specifically authorized by the said Board at a meeting thereof duly convened, and entered at length on their minutes. Such company or bank, or banks, shall allow interest upon such deposits as may be agreed upon with said Board, and shall open and keep an account with said Board.

Moneys to be with the New York Life Insurance and Trust Company, or the United States Trust Company, &c.

SEC. 4. The said Board of Commissioners shall, on or before the first day of July in each year, transmit to the Board of Supervisors of the City and County of New York, an estimate in writing of the amount of money, not exceeding in any one year the sum of one hundred and fifty thousand dollars, that will be required for the maintenance and government of the Central Park during the current year; and the said Board of Supervi-

Commissioners shall transmit to board of supervisors an estimate of amount of money required each year for maintenance, &c.

sors shall annually raise and collect by tax, upon the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes, a sum of money equal to that specified in said estimate. The said sum of money shall be deposited and drawn in the manner provided by the third section of this act, and shall be applied by the said Board to the payment of the expenses of the maintenance and government of the Central Park in said city.

SEC. 5. This act shall take effect immediately.

Chap. 256.

AN ACT to incorporate the American Zoological and Botanical Society.

Passed April 10, 1860; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. William H. Aspinwall, Hamilton Fish, Robert L. Stuart, Charles King, Alexander W. Bradford, Benjamin H. Field, William H. Appleton, (August Belmont,) Frederick Prime, William P. Lee, Frank Moore, Augustus Schell, John D. Clute, B. R. Winthrop, George Opdyke, Henry Delafield, Archibald Russell, Frederick De Peyster, James W. Beekman, Henry Grinnell, Frederick G. Foster, Wilson G. Hunt, Robert J. Dillon, Luther R. Marsh, John C. T. Smidt, T. Bailey Myers, William Caldwell, (J. A. C. Gray,) George H. Moore, John P. Crosby, Cyrus W. Field, R. O. Doremus, Matthew Morgan, George Folsom, Watts Sherman, John Jay, Shepherd Knapp, Parke Godwin, John Paine, C. N. Bovee, Charles Tracey, Charles Butler, William S. Mayo, Hiram Barney, Charles M. Connolly, J. Winthrop Chanler, F. L. Olmstead, B. W. Bonney, and all who are now, or may hereafter become associates for the purposes of this act, and their successors, are hereby constituted a body corporate by the name of the "American Zoological and Botanical Society," for the purpose of establishing a "Zoological and Botanical Garden" in the City of New York, and otherwise promoting the science of Natural History.

Body corporate.

Powers, privileges, and corporations.

SEC. 2. For the purposes aforesaid, the said Society shall possess the general power and privileges, and be subject to the general liabilities contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, so far as the same may be applicable, and may not have been modified or repealed.

Organization.

SEC. 3. The said associates, or a majority of them, shall meet within two months after the passage of this act, and organize the said Society, by the election of officers and the adoption of By-laws, for which purposes they may hold adjourned meetings from time to time, until such organization shall be completed.

Officers of society.

SEC. 4. The officers of such organization shall be a President, five Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Librarian, twenty-one Councillors, and such other officers as may be provided by the By-laws: all of which said officers shall be elected annually, except the Councillors. Immediately after the first election of Councillors, they shall be divided by lot into three classes of seven each; one of which classes shall hold office for one year, another for two years, and another for three years. The Secretary of State, the Superintendent of Public Instruction, the President of the State Agricultural Society, the Mayor of the City of New York, the President of the Board of Education of the City of New York, the President of the Board of Commissioners of the Central Park, the Presidents of the Board of Aldermen and of the Board of Councilmen of the City of New York, shall be *ex-officio* members of the Council of said society.

Qualification of membership.

SEC. 5. The qualification for membership of said society shall consist in the payment of a stock subscription, or such yearly payment as shall be prescribed by the By-laws, and the members shall not be personally liable for the debts of said society.

SEC. 6. The property and affairs of said society shall be managed by a Council, to consist of all the officers designated in the fourth section of this act, or a majority of them, subject to such directions and regulations as shall be prescribed by the By-laws.

Affairs of society, how managed.

SEC. 7. The said society, for determining the terms of admission of its members, for the government of the society, for changing and altering the officers, their election, and duties, and for the general regulation and management of its transactions, property, business, and affairs, shall have power to form a code of By-laws, not inconsistent with the laws of this State or of the United States, which shall, until modified or rescinded, be equally binding as this act upon the said society, its officers and members, provided that the same shall not be altered or rescinded, except at a regular meeting, on previous notice, in writing, given at the preceding regular meeting.

May form code of by-laws.

SEC. 8. There shall be an annual meeting of the members of the said society on the first Monday after the first day of May, in each year, and such other regular meetings as the By-laws shall direct.

Annual meeting.

SEC. 9. The officers of the said society shall be chosen, as provided by the fourth section, at a regular meeting to be designated for that purpose by the By-laws, and the officers chosen at such regular meeting shall hold their places until others shall be elected in their stead.

Officers, when chosen and term of office.

SEC. 10. The said society is hereby authorized to receive and to issue certificates of shares in their capital stock to the amount of five hundred thousand dollars, but no dividend shall ever be made to the stockholders beyond the rate of five per cent. per annum on the capital stock.

May receive subscriptions and issue certificates of shares.

May establish zoological and botanical gardens.

SEC. 11. The Board of Commissioners of the Central Park in the City of New York are hereby authorized and empowered to allow the said corporation hereby created to establish within the said Park the Zoological and Botanical Garden contemplated by this act; and, to that end, the said Board of Commissioners may allot, set apart, and appropriate suitable and proper grounds within the said Park, in the position and of the dimensions to be determined by the said Board of Commissioners, not exceeding sixty acres for the said garden; and the said corporation shall have free access to, and egress from the said grounds thus allotted, set apart and appropriated; and so long as the said corporation shall have and enjoy the free and uninterrupted use and occupation of the said grounds so allotted, set apart and appropriated to that object, but for no other purpose whatever, without any rent, assessment, or charge for the same; which said grounds may be enclosed by the said corporation for the purposes aforesaid; provided that the grounds shall in no case be open, or the collections of said society be exposed for public exhibition on Sundays; and provided also that the use thereof be made subject to such other conditions, terms and regulations as shall be mutually agreed upon by the said Board of Commissioners and said Corporation, and which shall not thereafter be altered except by the mutual consent of said Board of Commissioners and said Corporation. Said Corporation may erect upon the lands so set apart such buildings and other structures as may be necessary for the purposes aforesaid. But if at any time hereafter, and for any cause, the said corporation shall cease so to maintain the said garden upon the said grounds thus allotted, set apart and appropriated for that purpose, and shall discontinue the same, and so advise the said commissioners by notice in writing to that effect, the rights and privileges in the said Park hereby authorized to be granted to the said corporation for the purpose hereinbefore declared, shall thenceforth cease and determine,

and the said grounds so authorized to be allotted, set apart and appropriated to the use of the said corporation for the purpose hereinbefore specified, may be appropriated to any other use consistent with the general objects and purposes of the said Park; but in such case the said corporation shall have the right and shall be permitted to remove from the said grounds all its property. The evidence of allotment, setting apart, and appropriation by the said Board of Commissioners of the Central Park to the said Corporation, of suitable and proper grounds within the said Park for the establishing and maintaining thereon a Zoological and Botanical Garden as authorized and provided for hereinbefore, shall be a resolution to that effect by said Board of Commissioners, at a meeting thereof duly called, a copy of which, signed and acknowledged by the President and Secretary of said Board, shall be recorded in the office of the Register of the City and County of New York.

Evidence of
allotment,
etc.

SEC. 12. This act shall take effect immediately.

Chap. 88.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act for the Regulation and Government of the Central Park in the City of New York,' passed April 17, 1857, and further to provide for the maintenance and government of said Park," passed April 15, 1859, and further to provide for the construction, maintenance and government of the said Park.

Passed March 27, 1861; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Commissioners to hold office for five years, &c.

SECTION 1. The Commissioners of the Central Park now in office shall continue to hold office for five years from the expiration of their present term of office, and until others are appointed in their stead, and shall continue to be and constitute the Board of Commissioners of the Central Park, and may, at any time during their continuance in office, fill any vacancies occurring in their number, and shall possess all the rights, powers and authorities heretofore conferred by any act or acts of the Legislature of this State upon Commissioners of the Central Park, or upon the said Board.

Amending act of 1860, as to term of office.

SEC. 2. So much of the second section of an act entitled "An act to amend an act entitled an act for the Regulation and Government of the Central Park, in the City of New York, passed April 17, 1857, and further to provide for the maintenance and government of said Park," passed April 15, 1859, as limits the term of office of the Commissioners of the Central Park, therein mentioned, to five years, from the passage of the act thereby amended, and as provides the mode of filling va-

cancies occasioned by expiration of terms of office, and all acts and parts of acts, inconsistent with this act, are hereby repealed.

Sec. 3. The said Board is hereby authorized to take and hold any gifts, devises, or bequests that may be made to said Board, upon such trusts and conditions as may be prescribed by the donors or grantors thereof, and agreed to by said Board, for the purpose of embellishing or ornamenting said Park; and shall annually make in its report a statement in detail of the condition and value of all such gifts, devises or bequests, and of the names of the persons by whom the same are so given, devised or bequeathed.

Gifts,
devises, and
bequests.

Sec. 4. This act shall take effect immediately.

Chap. 46.

AN ACT to Improve the Central Park in the City of New York.

Passed March 25, 1862; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Appropriat-
ing New
York State
Arsenal
building for
museum
and gallery
of art.

SECTION 1. The Commissioners of the Central Park, in the City of New York, are hereby authorized to set apart and appropriate to the New York Historical Society, the building within said Park heretofore known as the New York State Arsenal, together with such grounds adjoining the same as the said Commissioners may determine to be necessary and proper for the purpose of establishing and maintaining therein by the said society a museum of antiquities and science, and a gallery of art.

Power to
alter the
building.

SEC. 2. The expense of arranging and fitting up of the said arsenal building for the use and purpose aforesaid shall be borne by the said New York Historical Society, and the said society shall have the right, at its own expense, to add to, enlarge, or if need be, to take down the present building, and erect another on the grounds so set apart and appropriated; the plan of such addition, or new building, having been first submitted to, and approved by, the Commissioners of the said Park.

Gallery to be
accessible to
the public.

SEC. 3. The museum and gallery contemplated in the first section of this act, when so established, shall be accessible to the public under proper regulations, to be adopted by the said society, approved by the said Commissioners, and not inconsistent

with the proper administration and management of the said Park.

SEC. 4. The evidence of setting apart and appropriation of the said arsenal building and grounds within the said Park, to the said New York Historical Society, for the purpose aforesaid, shall be a resolution to that effect, adopted by the Board of said Commissioners, duly acknowledged by its President, and recorded in the office of the Register of the City and County of New York.

Evidence of appropriation.

SEC. 5. If the said New York Historical Society shall so establish their said museum of antiquities and science, and gallery of art, then, so long as they shall continue there to maintain the same, they shall occupy and enjoy the said building and grounds thus set apart and appropriated to them for the purpose aforesaid, free from any rent, assessment or charge whatever therefor, and if the said society shall at any time hereafter, for any cause, discontinue their said museum of antiquities and science, and gallery of art, in the said arsenal building, or on the said grounds, then the said arsenal building, and any building whatever erected under the provisions of this act, and the said grounds before set apart and appropriated, shall revert to the said Central Park for the general purposes thereof; but the said society shall in such case be permitted to remove therefrom the said museum of antiquities and science, and gallery of art, and all its other property.

Buildings to revert to the Central Park

SEC. 6. The Legislature may at any time alter, repeal, or amend this act.

SEC. 7. This act shall take effect immediately. -

From Chap. 227, Laws State of New York, passed April 24, 1863
(City Tax Levy).

Authority
given to
Commissioners of
Central
Park to ob-
tain money
on faith of
certain
stock.

SEC. 4. In case the Board of Commissioners of the Central Park in the City of New York shall at any time require money for immediate use before said Board can realize the proceeds of such portion of the public fund or stock authorized by chapter eighty-five, of the Laws of eighteen hundred and sixty, as shall then remain unissued, the said Board may obtain advances of money on the faith of said stock in anticipation of the issue thereof at not exceeding six per cent. interest, and to an amount not greater than fifty per centum of the amount of the said stock then unissued, at its par value.

Comptroller
of city to
issue stock.

The Comptroller of the City of New York shall issue the portion of said fund or stock remaining unissued at not less than its par value, at such times and in such amounts as shall be required by said Board, and shall deposit the moneys raised thereon in the manner specified in section three of said chapter, and the person or corporation making such advances shall be entitled to be re-imbursed by said Board out of such moneys, the amount of said advances.

Chap. 275.

AN ACT to amend an act entitled "An act to alter the Map or Plan of the City of New York," passed April fifteen, eighteen hundred and fifty-nine.

Passed April 21, 1864; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of the act entitled an "Act to alter the Map or Plan of the City of New York," passed April fifteen, eighteen hundred and fifty-nine, is hereby amended so as to read as follows :

Amending
act of 1859
relative to
Seventh ave-
nue.

§ 2. The said part of the said avenue, hereby enlarged to the width of one hundred and fifty feet, is hereby declared to be one of the streets or avenues of the City of New York, in like manner and with the like effect as if the same had been so laid out by the Commissioners appointed in and by the act entitled "An act relative to the improvements touching the laying out streets and roads in the City of New York, passed April third, eighteen hundred and seven, and the said part of the said avenue, in its enlarged width, shall be widened, opened (except where already opened), laid out, graded, regulated, sewered, paved, and improved by and under the direction of the Commissioners of the Central Park; and all acts and parts of acts now in force, in relation to the widening, opening, laying out, grading, regulating, sewerage, paving, and improving streets and avenues in the said city, shall apply to the said part of the said avenue in its enlarged width, except that the Commissioners of the Central Park are hereby authorized for and in the name of the Mayor,

Width of
Seventh
avenue.

Acts relative
to improv-
ing.

Powers and
duties of
Commission-
ers.

Commission-
ers to apply
to Supreme
Court for
opening.

Assessments,
&c.

Commission-
ers of Cen-
tral Park to
control and
manage, &c.

Aldermen, and Commonalty of the City of New York, and of the several departments thereof, to perform the work to be done under the provisions of this act; and the said Commissioners shall possess all the powers and perform all the duties in relation to widening, opening, laying out, grading, regulating, sewerage, paving and improving the said part of the said avenue in its enlarged width, and each and every part of the said work, which the said Mayor, Aldermen, and Commonalty of the City of New York, and the several departments thereof, now possess and perform in relation to similar work in, to, and upon the other streets and avenues in the said city. The said Commissioners of the Central Park are hereby authorized and directed to apply, by petition, to the Supreme Court, at any Special Term thereof, held in the First Judicial District for the appointment of Commissioners for the opening of the said Seventh avenue, from the southerly side of One Hundred and Thirty-third street, to the Harlem river, and for the widening of the said avenue, as provided in and by this act; and it shall be the duty of the Corporation Counsel to perform and discharge all the legal services required in the proceedings to carry out the provisions of this act, without any additional compensation beyond the salary and allowance now provided by law; and all assessments, awards, and expenses, for or on account of the said work, or any part thereof, shall be ascertained, assessed, laid, imposed, collected, and paid, in the manner, and by and to the parties and officers now provided or designated by law; and the said part of the said avenue, in its enlarged width, shall henceforth be under the care, management, and control of the Commissioners of the Central Park, in the same manner and to the same extent that the Central Park is or may hereafter be under their care, management, and control.

SEC. 2. This act shall take effect immediately.

Chap. 319.

AN ACT in relation to Manhattan square in the City of New York.

Passed April 23, 1864; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. That piece or parcel of land in the City of New York, known as Manhattan square, bounded on the north by Eighty-first street, on the east by the Eighth avenue, on the south by Seventy-seventh street, and on the west by Ninth avenue, is hereby annexed to the Central Park, and shall be under the care, management and control of the Commissioners of the said Central Park, as fully and completely as the other part of the said Central Park is now, or may hereafter be under their care, management and control; and it shall be the duty of the said Commissioners to inclose, lay out, grade, regulate, drain, and improve the said piece of ground hereby annexed to the said Central Park, and to connect the same with the said Central Park, in such way or ways as shall not interfere with the full, free and uninterrupted use of the Eighth avenue as a public street; and the said Commissioners shall have power to establish and maintain on the said piece of ground, or any other part of the Central Park, a Botanical and Zoological Garden, provided, however, that the said Commissioners shall not fix or establish, or in any manner change or alter the grade of the streets surrounding the said piece of ground known as Manhattan square, as now fixed and established by law.

Manhattan square annexed to Central Park under control of Commissioners.

Eighth avenue to be kept open.

Botanical and zoological garden.

SEC. 2. This act shall take effect immediately.

From Chapter 405, Laws State of New York, passed April 25, 1864 (City Tax Levy).

Appropriation for laying out city north of 155th street.

To the Commissioners for laying out that portion of the City of New York lying north of One Hundred and Fifty-fifth street, under chapter two hundred and one, Laws of eighteen hundred and sixty, nine thousand six hundred dollars, to be disbursed only by unanimous approval of said Commissioners and for liabilities already incurred, said work being hereby suspended.

improve public parks & nows and places

Chap. 26.

AN ACT for the improvement, ~~and~~ ^{and} ~~government of the Central Park~~, in the City of New York, and to provide additional means therefor.

Passed February 10, 1865; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Mayor, Aldermen, and Commonalty of the City of New York, are hereby authorized and directed hereafter to create and issue at such time, and in such amounts as shall be deemed, by the Board of Commissioners of the Central Park, requisite to carry out the objects of this act, a public fund or stock to the aggregate amount authorized by this act. The said stock shall be denominated "The Central Park Improvement Fund," and the aggregate amount hereby authorized to be issued, is expressly limited to a sum of which the annual interest, at the rate of interest at which said stock is issued, is ~~one hundred thousand~~ ^{one hundred} dollars. All the provisions of the act entitled "An act to regulate the finances of the City of New York," passed June eighth, eighteen hundred and twelve, so far as the same may be applicable, shall apply to the stock or fund thus created. Such stock or fund shall be redeemable in thirty years from the issue thereof, ~~and the said Park shall be, and the same is hereby, specifically pledged for the redemption thereof.~~

City of New York to create a certain public fund.

Name of fund.

Amount limited.

When redeemable

SEC. 2. For the payment of the interest on the said stock or fund, the Board of Supervisors of the City and County of New York shall order and cause to be raised by tax, on the estates, real and personal, subject to taxation, according to law,

Board of Supervisors to levy tax to pay interest.

within said City and County, and to be collected in addition to the ordinary taxes yearly and every year, until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest annually accruing on said fund or stock, at a rate not exceeding seven per cent. per annum, not exceeding the aforesaid limitation of one hundred thousand dollars.

City Comptroller to deposit money to credit of Commissioners of the Central Park.

SEC. 3. The moneys raised upon the fund or stock, hereby authorized, shall be deposited by the Comptroller of the City of New York, as fast as the same shall be realized by the said Mayor, Aldermen, and Commonalty, to the credit of the said Board of Commissioners, with such bank or trust company as shall be designated by said Board; such moneys shall be used and appropriated by said Board for the construction, improvement and regulation of the said Central Park, and for the purpose contemplated in this act, and shall be drawn from said bank or company by a warrant signed by at least a majority of said Commissioners after the same shall have been authorized by the said Board, at a meeting thereof duly convened.

When Board may obtain advances in anticipation of issue of stock.

SEC. 4. In case the said Board shall at any time require money for immediate use, or before said Board can realize the moneys authorized by law to be raised for the laying out, construction, government, maintenance, or improvement of said Park the said Board may obtain advances of money on the faith of said stock in anticipation of the issue thereof or otherwise, at not exceeding seven per cent. interest, and to an amount not greater than fifty per cent. of the moneys then authorized by law to be raised, and the person or corporation making such advances shall be entitled to be reimbursed by said Board, out of such moneys, the amount of such advances.

SEC. 5. All gifts, devises, or bequests made to the said Mayor,

Aldermen, and Commonalty, or to said Board, for the purpose of improving or ornamenting said Park, or for the establishment within its limits of museums of natural history, zoological and botanical gardens or observatories, and all interest, income, and increase thereof, shall be under the exclusive control and management of, and except such surplus animals and duplicate specimens as said Board may deem it best for the interest of said garden to dispose of by sale or otherwise, shall be forever properly protected, preserved and arranged by said Board for public use and enjoyment, subject to such rules and regulations as said Board may prescribe, and in lieu of the statement heretofore required to be made, respecting such gifts, devises and bequests, the said Board shall, hereafter, with its annual report, make a statement of the condition of all the gifts, devises and bequests of the previous year, and of the names of the persons making the same.

Gifts, devises, &c., to be controlled by the Commissioners of the Central Park, &c.

SEC. 6. Admission to said zoological or botanical gardens shall be either free to the public or upon the payment of such sum as may be prescribed by said Board; and all income from said gardens, and from the sale of the surplus animals thereof, shall be applied to the expenses of the maintenance, government and support thereof, or of said Park. Said Board may agree for the management and maintenance of said gardens with any society heretofore incorporated by the Legislature of the State for that purpose; but the above mentioned gardens shall always be under the control of said Board.

Board to determine condition of admission to gardens.

SEC. 7. No military encampment, parade, drill, review or other military evolution or exercise, shall be held or performed on said Park, or any part thereof, except with the previous consent of the said Board; nor shall any military company, regiment, or other military body, enter or move in military order

Military encampment, &c., in Central Park.

within the said Park. No military officer shall have authority to order, direct, or hold any such parade, drill, review, or other evolutions or exercise, or encampment within said Park, except in case of riot, insurrection, rebellion or war.

SEC. 8. This act shall take effect immediately.

Chap. 564.

AN ACT for the Improvement of part of the City of New York, between One Hundred and Tenth street and the Harlem river.

Passed April 24, 1865; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that part of Sixth avenue, in the City of New York, lying between the southerly side of One Hundred and Tenth street and the Harlem river, shall be widened on the map or plan of said city, by adding thereto on each side thereof twenty-five feet of land, so as to make the whole width of that part of the said avenue one hundred and fifty feet.

Widening of
Sixth ave-
nue.

SEC. 2. The said part of the said avenue so widened is hereby declared to be one of the streets or avenues of the City of New York, in like manner, and with like effect, as if the same had been so laid out by the Commissioners appointed in and by an act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April third, eighteen hundred and seven, and all acts and parts of acts now in force in relation to the widening, opening, laying out, grading, regulating, sewerage, paving, and improving streets and avenues in the said city shall apply to the said part of said avenue in its enlarged width except as hereinafter provided.

Part widened
to be one of
the streets of
city.

SEC. 3. The Commissioners of the Central Park are hereby authorized and directed, in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, and for public use, to

Duty of
Commission-
ers of Cen-
tral Park.

Commission-
ers of Esti-
mate and
Assessment.

apply by petition to the Supreme Court, at any Special Term thereof held in the first judicial district, for the appointment of Commissioners of Estimate and Assessment for the opening of said Sixth avenue, as hereby widened, or so much thereof as has not already been opened, from the southerly side of One Hundred and Tenth street to the Harlem river, and for the opening of any or all of the streets not already opened which are laid out on the map or plan of the said city, between One Hundred and Tenth street and the Sixth and Seventh avenues and the Harlem river; and all the laws now in force relative to the opening of streets in the City of New York, not inconsistent with this act shall be applicable to proceedings had relative to the opening of said avenue and streets; and it shall be the duty of the Counsel to the Corporation of the City of New York to perform all the legal services required of him in the proceedings authorized by this act without any additional compensation beyond the salary and allowance now provided by law. The assessment for said improvement shall, upon confirmation of the report of the Commissioners of Estimate, become a lien upon the lands assessed, and such assessment may be collected and be enforced in the manner now provided by law relative to assessments for opening streets in said city.

When assess-
ments to be
a lien upon
lands
assessed.

Certain
streets to be
under con-
trol of Com-
missioners of
the Central
Park.

SEC. 4. The said Sixth avenue, and the streets laid out on the map or plan of the City of New York, between the southerly side of One Hundred and Tenth street and the Sixth and Seventh avenues and the Harlem river, shall be wholly under the care, management, and control of the Commissioners of the Central Park, for the purpose of fixing the grades of the said avenue and streets, and of regulating and grading, and otherwise improving the same, in such manner as they may deem the public interest may require; and for that purpose the said Commissioners as to said avenue and said streets, and the use thereof

shall have, possess and enjoy all the powers now or heretofore possessed, enjoyed, or exercised by such Commissioners in respect to the Central Park in said city, and by the Mayor, Aldermen, and Commonalty of the City of New York and the several departments of said city, in relation to the streets, avenues, and similar improvements thereof in other parts of the said city; and the expense of such improvements shall be assessed upon the owners and occupants of all the lands and premises benefited thereby, and shall become a lien upon such lands, and be enforced in like manner as now provided by law in relation to assessments for regulating and grading, and otherwise improving streets in the City of New York. The moneys collected upon such assessments shall, as collected, be deposited by the Comptroller of the City of New York to the credit of the Commissioners of the Central Park, with such bank or trust company as shall be designated by said Commissioners, and such moneys shall be applied by said Commissioners in payment for the work authorized by this section. In case the said Commissioners shall, during the progress of the work hereby authorized, require money therefor before the same can be collected by the assessments hereby authorized, the said Commissioners may obtain advances of money on the faith of the moneys to be collected upon such assessments, at an interest not exceeding seven per cent. per annum, and to an amount not exceeding at any one time the sum of ten thousand dollars; and the person or corporation making such advance shall be entitled to be reimbursed by said Commissioners out of such moneys the amount of such advances.

Assessment
moneys,
where to be
deposited
and to whose
credit,

Commis-
sioners may
obtain ad-
vances, &c.

SEC. 5. This act shall take effect immediately.

Chap. 581.

AN ACT in relation to the Croton Aqueduct in the City of New York, and certain streets in the said city.

Passed April 27, 1865; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Croton
Aqueduct
Department
to make cer-
tain excava-
tions, aque-
duct, &c.

SECTION 1. That part of the Croton Aqueduct in the City of New York south of Ninety-second street and west of the Eighth avenue is hereby discontinued; and the Croton Aqueduct Department is hereby authorized and directed, in their discretion, to make the necessary excavation, and construct a branch aqueduct, and also sewers and drains, or to lay iron pipes from the present line of the Croton Aqueduct, at some point between the westerly line of the Eighth avenue and the new reservoir in the Central Park, to the old reservoir in the said park, through the Eighth avenue and the Central Park, but such part of the same as may be in the Central Park shall be on such line and on such conditions as the Commissioners of the said park shall approve. And also, if necessary, to construct a gate-house in the said park after the Commissioners of the Central Park shall have approved of the plan and location of the said gate-house; and the Mayor, Aldermen, and Commonalty of the City of New York, by their Comptroller, are hereby authorized and directed to raise by loan such sum of money, not exceeding two hundred and fifty thousand dollars, as the Croton Aqueduct Department shall certify to be necessary to meet and defray the expense of the work authorized by this section, by the creation of a public fund or stock to be called "The New Aqueduct Stock of the City of New York," which

Gatehouse in
Central
Park.

Amount city
of New York
to raise to
meet ex-
pense by
creation of
stock.

stock shall bear an interest not exceeding seven per cent. per annum, and be redeemable at a fixed period within twenty years; and the lots, pieces, and parcels of ground now forming the line of the Croton Aqueduct south of Ninety-second street and west of the Eighth avenue, are hereby specifically pledged for the redemption of the said stock. The Commissioners of the Sinking Fund of the said city shall, at such time as they may deem best, sell all of the land taken for that part of the Croton Aqueduct discontinued in pursuance of the provisions of this act, at public auction, upon a notice of at least thirty days, to be advertised in four of the daily newspapers published in said city; and the Mayor, Aldermen, and Commonalty of the City of New York shall convey the land so sold to the purchasers thereof, upon the payment by them of the purchase-money into the treasury of the City of New York, as part of its sinking fund. The Croton Aqueduct Department may, however, retain any part of the present aqueduct above Ninetieth street, and connect the same through Ninetieth or Ninety-first street at the Eighth avenue, with the conduit for which provision is above made.

Interest and
redemption
of stock.

Certain land
to be sold by
Commissioners of
Sinking
Fund.

SEC. 2. The grade of the Eighth avenue, between Fifty-ninth and Ninety-third streets, is hereby established as follows: Commencing at an elevation seventy-four feet six inches above the high-water line at the point where the centre line of Fifty-ninth street intersects the centre line of the Eighth avenue, and continuing thence in a straight line at such a rate of ascent as to intersect a continuation of the centre line of Sixty-second street at an elevation eighty-one feet six inches above the high-water line, and thence on a level line (except such inclinations between the streets not exceeding eight inches to one hundred feet as may be necessary for drainage), intersecting a continuation of the centre line of Sixty-sixth street at an elevation eighty-one feet six inches above the high-water line; and thence on a straight

Grade of
Eighth ave-
nue.

line at such a rate of ascent as to intersect a continuation of the centre line of Sixty-ninth street at an elevation ninety feet above the high-water line ; and thence on a level line (except such inclinations between the streets not exceeding eight inches to one hundred feet as may be necessary for drainage), intersecting a continuation of the centre line of Seventy-second street at an elevation ninety feet above the high-water line ; and thence on a straight line at such a rate of descent as to intersect a continuation of the centre line of Seventy-seventh street at an elevation seventy-five feet six inches above the high-water line ; and thence in such manner as the Commissioners of the Central Park may prescribe so as to intersect a continuation of the centre line of Eighty-first street at an elevation eighty-six feet nine inches above the high-water line ; and thence in a straight line at such a rate of ascent as to intersect a continuation of the centre line of Eighty-fourth street, at an elevation of one hundred and six feet above the high-water line ; and thence in a straight line at such a rate of ascent as to intersect a continuation of the centre line of Eighty-fifth street at an elevation one hundred and eight feet above the high-water line ; and thence on a level line (except such inclinations between the streets not exceeding eight inches to one hundred feet as may be necessary for drainage) intersecting a continuation of the centre line of Eighty-seventh street at an elevation of one hundred and eight feet above the high-water line ; and thence on a straight line at such a rate of ascent as to intersect a continuation of the centre line of Ninety-second street, at an elevation of one hundred and seventeen feet above the high-water line ; and thence on a straight line at such a rate of descent as to intersect a continuation of the centre line of Ninety-third street at an elevation one hundred and eight feet above the high-water line, provided, however, that the Commissioners of the Central Park shall, within three months after the passage of this act, approve of the grade hereby authorized. The said Commis-

sioners may, however, approve of such part of the grade hereby authorized as is between any two points at which the said grade and the present grade intersect, and reject the grade between any or all of the other intersecting points, or the said Commissioners may, with the consent of the owners of a majority of the lineal feet of the front of the lots on the westerly side of the Eighth avenue, between any two points at which the grade hereby authorized and the present grade intersect, prescribe, and establish any other grade between such intersecting points; and when the grade of the said avenue is finally established in pursuance of the provision of this act, it shall be the duty of the Commissioners of the Central Park to prepare and certify a map or profile of the grades so established, and file the same in the office of the Street Commissioner of the City of New York, and the grade of the said avenue shall be thenceforth established and held to be as shown in and by the said map or profile, and any and all grades previously established for that part of the said avenue are hereby discontinued and abrogated, and the grade established in pursuance of this act shall not thenceforth be changed or altered. It shall be the duty of the Street Commissioner, as soon as the said map or profile is filed in his office, to proceed forthwith to regulate the said avenue in conformity with the grade established in pursuance of the provisions of this act. The expense of grading and regulating the said avenue as herein provided, to be assessed, collected, and paid in the manner now provided by law.

Approval of Commissioners of Central Park necessary.

Map of grades, where to be filed.

Duty of Street Commissioner.

SEC. 3. Whenever in the opinion of the Commissioners of the Central Park it shall be necessary for the proper drainage of the Park, or of any street or avenue bounding the said Park, or under the charge of the said Commissioners, to open any street in the said city, and whenever in their opinion it shall be necessary to grade or regulate any street bounding the said Park, or under the charge of the said Commissioners, they may notify the Mayor,

In what case Park Commissioners vested with powers and duties of mayor, aldermen, &c., in relation to opening streets, &c.

Aldermen, and Commonalty of said city that it is necessary to open, regulate, or grade such street; and the said Mayor, Aldermen, and Commonalty shall, within thirty days thereafter, commence the proceedings prescribed by law to open, grade, or regulate such street, and shall continue and complete such proceedings without delay, suspension, or discontinuance; and if said Mayor, Aldermen, and Commonalty shall fail to take, continue, and complete such proceedings as herein required, the said Commissioners shall thereupon become vested with and possess all the powers in the matter possessed by the said the Mayor, Aldermen, and Commonalty of the City of New York, and may commence, continue, and complete such proceedings for in the name of the said the Mayor, Aldermen, and Commonalty of the City of New York. *Provided, however,* that all necessary legal proceedings shall be conducted by the Corporation Counsel without any extra charge or compensation.

SEC. 4. This act shall take effect immediately.

Chap. 565.

AN ACT to provide for the laying out and improving of certain portions of the City and County of New York.

Passed April 24, 1865; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Commissioners of the Central Park shall have and possess exclusive power to lay out streets, roads, public squares and places, within that part of the City of New York to the northward of the southerly line of One Hundred and Fifty-fifth street, of such width, extent and direction, and upon such grades, as to them shall seem most conducive to public good; and it shall be the duty of the said Commissioners, as soon after the passage of this act as may be, to lay out a road or public drive, running from the northerly portion of the Sixth or Seventh avenue in a generally northerly or northwesterly direction, upon the easterly or Harlem river side of the city, as far north as the said Commissioners may determine, thence in a general westerly direction to or near the Hudson river, and thence in a general southerly and southeasterly direction along the westerly or Hudson river side of the city, until such road or public drive shall enter the Central Park at or near the junction of the Bloomingdale road, Eighth avenue and Fifty-ninth street; such road to follow the course of the Bloomingdale road below One Hundred and Sixth street whenever the Commissioners shall deem such course advantageous. The said Commissioners shall determine the location, width, courses, winding and grades of said road or public drive, and may widen

Central Park Commissioners to have exclusive power to lay out certain streets, &c.

the Bloomingdale road and determine the grades thereof, and of intersecting streets and avenues, as they may deem it necessary, for the perfecting of such road or public drive.

Power to enter on lands, &c.

To cause surveys and maps to be made.

Before whom maps, &c., to be certified.

Filing of maps.

SEC. 2. It shall and may be lawful for the said Commissioners of the Central Park, and for all persons acting under their authority, to enter in the day time into and upon any lands, tenements and hereditaments which they shall deem necessary to be surveyed, used, or converted for the laying out, opening, and forming of any such streets, or roads, or public squares or places, and the said Commissioners shall cause three similar maps or surveys of the streets, or roads, or public squares or places, so to be laid out by them as aforesaid, and of the shores bounding the lands by them surveyed, to be made, showing the width, location, course, winding, and grades of such streets, and roads, and public squares and places, accompanied with such field notes and explanatory remarks as the nature of the subject may require, which maps, plans, or surveys, together with such notes and remarks, shall be certified to by said Board of Commissioners of the Central Park, or by one of the officers of said board designated by said board for that purpose, before any person authorized by law to take acknowledgments of deeds and conveyances, and be filed, one in the office of the Secretary of State, to remain of record, one in the office of the Register of the City and County of New York, and the other of said maps in the office of the said Commissioners of the Central Park. The said Commissioners shall not be required to complete the laying out of all of the streets and roads, public squares and places, to be laid out pursuant to this act, before filing maps and plans for any portion thereof, but whenever they shall deem the public interest so requires, they may file in the offices hereinbefore designated, maps, plans, or surveys certified to, as hereinbefore provided, of such streets, roads, public squares, and places

as they may then have laid out, or any one of such streets or roads, public squares or places; and all the provisions of this act shall be applicable to the streets and roads, public squares and places exhibited upon the maps, plans, or surveys so filed; but such streets and roads, public squares and places shall be again exhibited upon the maps, plans, or surveys filed upon the completion of the whole work. The said Commissioners shall erect suitable and durable monuments wherever they shall deem it necessary, the location thereof to be noted upon the maps, plans, or surveys filed by them.

Monuments.

SEC. 3. The maps, plans, and surveys of the said Commissioners of the Central Park, made and certified to as hereinbefore provided, shall be final and conclusive as to the location, width, and grades of the streets and roads, public squares and places exhibited on such maps, plans, and surveys, as well in respect to the Mayor, Aldermen, and Commonalty of the City of New York as in respect to the owners and occupants of lands, tenements, and hereditaments within the boundaries aforesaid, or affected by said streets, roads, public squares, and places, and in respect to all other persons whomsoever.

Effect of maps when certified to.

SEC. 4. The Commissioners of the Central Park, for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, are authorized to acquire title for the use of the public to all or any of the lands required for the streets and roads, and public squares and places so laid out by them, or any portion of said streets, roads, public squares, and places, wherever they shall deem it for the public interest so to do, and such Commissioners may for that purpose make application to the Supreme Court, in the First Judicial District, for the appointment of Commissioners of Estimate and Assessment, specifying in such application the lands required for that purpose, and the proceedings to

Proceedings to acquire title.

acquire title to such lands shall be had pursuant to such acts as shall then be in force relative to the opening of streets, roads, and public squares and places in the City of New York, which said acts, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to the streets, roads, public squares, and places so laid, or to be laid out by said Commissioners of the Central Park, in the same manner, and to the same extent, as if the said streets, roads, squares, and places had been originally laid down as and for public streets, roads, squares, and places by the Commissioners appointment* in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April 3, 1807, except that the said Commissioners of Estimate and Assessment, who may be appointed as herein provided, may assess for such opening all such parties and persons, lands and tenements as they may deem to be benefited by such improvement, to the extent which said Commissioners deem such parties, persons, lands and tenements benefited thereby, provided, that as to streets or roads more than one mile in length, not more than one-half of the amount awarded for damages and of the expenses attending such opening, shall be so assessed, the amount of such damages and expenses not so assessed being hereby made a charge upon the County of New York, to be paid as hereinafter provided. The moneys collected upon the assessments of the Commissioners of Estimate and Assessment shall be paid into the county treasury.

Commissioners of Estimate and Assessment.

Assessment moneys, to whom to be paid.

When Commissioners not to give compensation for buildings.

SEC. 5. The said Commissioners of Estimate and Assessment may allow compensation for any building or buildings upon the said land which may have been built, placed or erected thereon after the time of the filing of the original map or plan of said city, but no compensation shall be allowed for any building or

* So in the original.

buildings which at any time subsequent to the filing of the maps, plans or surveys mentioned in the second section of this act may be built, erected or placed in part or in whole upon any street, road, public square or place exhibited upon such map, plans or surveys.

SEC. 6. The damages awarded by Commissioners of Estimate and Assessment appointed pursuant to the provisions of this act, shall become due and payable immediately upon the confirmation of the report of said Commissioners of Estimate and Assessment.

When damages to be due.

SEC. 7. For the payment of the damages awarded by the Commissioners of Estimate and Assessment in any proceeding instituted by virtue hereof, and of the expenses, charges and disbursements in the premises, the Comptroller of the City of New York is hereby authorized and directed to create and cause to be issued in the name and in behalf of the County of New York a public fund or stock, payable not more than forty years from the date of issue thereof, which funds or stock shall be a charge upon the said county, and shall be issued at such time or times, and in such manner, of such description, and in such amounts as may be directed by resolution of the Commissioners of the Central Park. The moneys collected upon the assessment laid by the Commissioners of Estimate and Assessment, as hereinbefore provided, shall be applied toward the payment of said fund or stock, or to the payment of said awards and expenses, if received before the issue of such fund or stock. The Board of Supervisors of the City and County of New York shall annually order and cause to be raised on the estates, real and personal, subject to taxation, within said county, until the whole amount of said fund or stock be paid, a sum of money sufficient to pay the interest upon such fund or stock, and in the year before the maturity of such stock, the said Supervisors shall order and cause to be raised, in like

Comptroller to create a public stock.

Stock, when payable, and who to direct time and amounts of issue.

Tax to be raised by Supervisors.

manner, such amount as may be necessary, in addition to the assessments which may have been collected, as hereinbefore provided, to pay the principal amount of such fund or stock.

When Commissioners of Park may proceed to improve, &c., streets, squares, &c.

Their powers in relation thereto.

By whom one-half of expense to be paid.

SEC. 8. Upon the confirmation of the report of Commissioners of Estimate and Assessment, appointed pursuant to this act, as to the streets, roads, public squares and places, so laid out by said Commissioners of the Central Park, as hereinbefore provided, or as to any portion thereof, or whenever thereafter the Commissioners of the Central Park shall deem it the public interest so to do, it shall be lawful for the said Commissioners of the Central Park, from time to time, to cause such of said streets, roads, squares or places, as they may designate for that purpose to be regulated, graded, and improved as streets, or as country roads, or in such manner as the said Commissioners may deem for the public interest and may direct, and for that purpose, and in and about such regulating, grading, and improvements, the Commissioners of the Central Park shall have, possess, and enjoy all the powers now or heretofore possessed, enjoyed or exercised by the Mayor, Aldermen, and Commonalty of the City of New York as to other streets and roads, and by such Commissioners in respect to the Central Park in said city, and such amount or portion of the expense of such regulating, grading, and improvements as the said Commissioners may deem equitable and may determine, not exceeding, as to streets or roads, more than one mile in length. One-half of such expense shall and may be assessed upon the owners or occupants of the lands, tenements, hereditaments and premises benefited thereby in respect of such lands, tenements, hereditaments, and premises. Such assessments shall be made by the same persons, and shall be and become a lien upon such lands, tenements, and hereditaments and premises, in the same manner as may then be by law provided in respect of assessments made in said city, for the expense of regulating and

grading streets in said city, and all laws relative to the laying and enforcing of such assessments, and not inconsistent with the provisions of this act, are hereby made applicable to the assessments hereby authorized, provided, however, that the assessors, in making such assessment, may assess for such improvements all such parties and persons, lands and tenements as they may deem to be benefited by such improvement, and in such amounts as they may deem such parties and persons, lands and tenements are benefited thereby, and provided that the amounts collected upon such assessments shall be paid into the County Treasury.

SEC. 9. For the purpose of carrying out the provisions of section eight of this act, the Comptroller of the City of New York is hereby authorized and directed, whenever the Commissioners of the Central Park shall by resolution so order, to create and cause to be issued, from time to time, in the name and in behalf of the County of New York, a public fund or stock, payable not more than fifty years from the date of issue thereof, which shall be a charge upon said county, and shall be issued in such amounts, in such manner and at such times, as may be directed by resolution of the Commissioners of the Central Park. The moneys collected upon the assessments authorized by this act to be levied toward the payment of the expenses incurred in regulating, grading, and improving such streets, roads, public squares, and places, shall be pledged and applied towards the payment of said fund or stock; and the Supervisors of the City and County of New York shall annually order and cause to be raised on the estates, real and personal, subject to taxation within said county until the whole amount of such fund or stock be paid, a sum of money sufficient to pay the interest upon such fund or stock; and in the year before the maturity of such stock the said supervisors shall order and cause to be raised in like manner such amount as may be necessary, in addition to the assess-

Comptroller
to create
public stock.

When
payable, &c.

Application
of moneys to
be collected
on assess-
ments.

Tax to pay
interest on
stock and
principal.

ments collected, as hereinbefore provided, to pay the principal amount of such fund or stock.

Moneys and stock, where to be deposited and their application.

SEC. 10. The moneys raised upon this fund, a stock authorized by section nine of this act, shall be deposited by the Comptroller of the City of New York, as the same shall be realized, to the credit of the Commissioners of the Central Park, with such bank or trust company as shall be designated by said Commissioners, such moneys shall be used and appropriated by said Commissioners for the regulating, grading, and improving of the streets, roads, public squares, and places laid out by them pursuant to the provisions of this act, and shall be drawn upon said bank or trust company by warrant or warrants, signed by at least a majority of the said Commissioners, after the same shall have been authorized by a resolution adopted by the said Commissioners at a meeting thereof duly convened.

When Commissioners may obtain advance of money and to what amount.

SEC. 11. In case and whenever the said Commissioners shall require money for the purposes of regulating, grading, and improving any of the said streets, roads, squares, and places, before they can realize the moneys hereby authorized to be raised for that purpose, the said Commissioners may obtain advance of money on the faith of said stock, in anticipation of the issue thereof, or otherwise, at an interest not exceeding seven per cent. per annum, and to an amount not exceeding at any one time the sum of fifty thousand dollars; and the person or corporation making such advances shall be entitled to be reimbursed by said Commissioners, out of such moneys, the amount of such advances.

Powers of certain Commissioners to cease.

SEC. 12. Immediately upon the passage of this act the powers of the Commissioners appointed by or pursuant to an act entitled "An act to appoint Commissioners for laying out that portion of the City and County of New York lying north of One Hundred

and Fifty-fifth street, and to change the plan of streets and avenues in that part of said city lying between One Hundred and Twenty-fifth and One Hundred and Forty-first streets, east of Tenth avenue and west of line fifty feet east of the old Kingsbridge road, and running parallel with said road," passed April seven, eighteen hundred and sixty, shall cease and determine; and the said Commissioners appointed by said act, and the surveyors, engineers, and all other persons employed by said Commissioner, shall forthwith deliver to the Commissioners of the Central Park all the records, maps, surveys, books, papers, and property of the said commissioners, or in their possession, and all field notes, surveys, and memoranda thereof taken or made by authority or direction of said Commissioners, and from the time of the passage of this act, all the powers theretofore exercised by said Commissioners of Streets shall or may be exercised by the Commissioners of the Central Park.

Certain maps
to be
delivered to
Central
Park
Commissioners.

SEC. 13. This act shall take effect immediately.

From Chapter 646, Laws State of New York, passed May 1, 1865 (City Tax Levy).

SECTION 7. The money heretofore authorized to be raised for the use of the Commissioners appointed to lay out the City of New York north of One Hundred and Fifty-fifth street, and not already expended, shall be transferred and appropriated to the use of the Board of Central Park Commissioners for the payment of all just claims accrued for said work, to be audited by majority of the first named Commissioners and allowed by said Board of Central Park Commissioners, and any balance shall be applied toward the completion of said work of laying out the City of New York north of One Hundred and Fifty-fifth street, by said Central Park Board.

Moneys
raised for
laying out
city north of
155th street.

Payment of
claims.

Balance,
how applied.

Chap. 367.

AN ACT relative to the powers and duties of the Commissioners of the Central Park.

Passed April 4, 1866 ; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Repeal of
part of
former act of
act of 1860
relating to
Ninth av-
enue.

SECTION 1. So much of section nine of the act entitled "An act to appoint Commissioners for laying out that portion of the City and County of New York lying north of One Hundred and Fifty-fifth street, and to change the plan of streets and avenues in that part of said city lying between One Hundred and Twenty-fifth and One Hundred and Forty-first streets, east of the Tenth avenue and west of a line fifty feet east of the old Kingsbridge road, and running parallel with said road," passed April 7, 1860, as requires the Commissioners therein named to lay out a new avenue of one hundred feet in width, to be called the new Ninth avenue, is hereby repealed, and it shall be the duty of the Commissioners of the Central Park immediately upon the passage of this act, to lay out and establish the grade of an avenue not exceeding one hundred feet in width, to be called the avenue St. Nicholas, which avenue shall commence at or near the intersection of the Sixth avenue and One Hundred and Tenth street, and run thence in the general direction of the Harlem lane till it intersects the Kingsbridge road, at or near One Hundred and Twenty-fourth street, between Eighth and Ninth avenues ; thence northerly, as nearly midway between the Eighth and Ninth avenues as the said Commissioners may deem advantageous, to One Hundred and Thirty-fifth street ;

Avenue St.
Nicholas.

thence northerly, in the general direction of the said Kingsbridge road, to a point on One Hundred and fifty-fifth street, about midway between Ninth and Tenth avenues. The said avenue shall embrace such portions of the Harlem lane and the old Kingsbridge road as the said commissioner may deem it expedient to include therein, and may depart from the line of said Harlem lane and Kingsbridge road wherever the said Commissioners deem it expedient. The said Commissioners may also extend Manhattan street in a southerly direction to said avenue, and may widen said street to the width of one hundred feet, if they shall deem it expedient. The said Commissioners shall, whenever they may deem it necessary, fix and establish, or change the grade of any street or avenue, or any part of any street or avenue that intersects any street, road, or avenue required by law to be laid out, established, regulated, or improved by them or under their direction; and whenever they have fixed, established, or changed, as required in this section, the grade of any street, or streets, or avenue, or part of any street or avenue, it shall be their duty to cause two maps or profiles of such street, or streets, or avenues, or part of such street or streets, or avenues, showing the grade so fixed, established, or changed by them, certified by said board, or by one of the officers of said board designated for that purpose, one of which profiles shall be filed in the office of the Street Commissioner of said city, and one in the office of said Commissioners; and the grades of such streets and avenues and parts of such streets and avenues shall from the time of such filing, be established as shown in and by such maps or profiles.

Manhattan street.

When maps of streets to be made.

SEC. 2. Whenever the grade of any street, road, or avenue, or part of any street or avenue, shall be fixed, established, or changed by said Commissioners of the Central Park, as provided by this act, such grade shall not be thereafter changed, unless

Change of grade.

the owners of two-thirds of the land in lineal feet fronting upon the street or avenue, or part of such street or avenue where such change is proposed to be made, shall first consent in writing, to such change of grade, and file their consent in the office of the said Commissioners. And upon such consent being so filed, such grade may be changed by said Commissioners, if they shall deem it expedient to make such change.

Power of
Commission-
ers to enter
upon lands,
etc.

SEC. 3. It shall be lawful for the said Commissioners of the Central Park, and for all persons acting under their authority, to enter, in the day time, into and upon any lands, tenements, and hereditaments which they shall deem necessary to be surveyed for the laying out and forming of the avenue specified in the first section, or for the widening and extension of said Manhattan street; and the said Commissioners shall cause two similar maps or surveys of such avenue, and of the widening and extension of said Manhattan street, to be made, showing the width, location, and grade thereof, accompanied with such field notes and explanatory remarks as the nature of the subject may require, which maps, plans, or surveys, together with such notes and remarks, shall be certified by said Board of Commissioners of the Central Park, or by one of the officers of said Board designated by said Board for that purpose, and one of which shall be filed to remain of record in the office of the Street Commissioner of the City of New York, and the other in the office of the said Commissioners of the Central Park.

Maps of St.
Nicholas
avenue and
Manhattan
street.

Maps, plans,
&c., of Com-
missioners,
final, &c.

SEC. 4. The maps, plans, and surveys of the said Commissioners of the Central Park, made and certified to as hereinbefore provided, shall be final and conclusive as to the location and width of the said avenue, specified in the first section of this act, and as to the widening and extension of Manhattan street, and as to the grades of said avenue and of said streets, exhibited

upon said maps, plans and surveys, as well in respect to the Mayor, Aldermen, and Commonalty of the City of New York, as in respect to the owners and occupants of lands, tenements, and hereditaments within the boundaries aforesaid, or affected by said avenues and streets, and in respect to all persons whomsoever.

SEC. 5. The Commissioners of the Central Park, in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, are authorized to acquire title for the use of the public, to the lands required for the said avenue specified in the first section of this act, and for the said widening and extension of said Manhattan street, whenever they shall deem it for the public interest so to do, and such Commissioners may for that purpose make application to the Supreme Court in the First Judicial District, for the appointment of Commissioners of Estimate and Assessment specifying in such application the lands required for that purpose, and the proceedings to acquire title to such lands, shall be had pursuant to such acts as shall then be in force relative to the opening of streets in the City of New York, which acts, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to the avenue and street so to be laid out, widened, and extended by said Commissioners of the Central Park, as in this act provided in the same manner and to the same extent, as if the said avenue and street had been originally laid down, as and for public streets by the commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April 3, 1807.

Acquisition
of title.

SEC. 6. The said Commissioners of Estimate and Assessment may allow compensation for any building or buildings upon the

Compensation
for
buildings.

said land which may have been built, placed, or erected thereon, after the time for the filing of the original map or plan of the said city, but no compensation shall be allowed for any building or buildings which at any time subsequent to the filing of the maps, plans, or surveys required by this act may be built, erected, or placed in part or in whole upon the lands designated for the avenue by this act authorized, and for the widening and extension of said Manhattan street.

Powers of
Commissioners.

Sec. 7. The said Commissioners of the Central Park shall with respect to the avenue to be laid out by them, as required by this act, and with respect to that portion of Seventh avenue, lying north of the Central Park in said city, and with respect to all streets, avenues, roads, and portions of said city required by law to be laid out or improved, under the direction of the said Commissioners, and the laying out, grading, regulating, sewerage, paving, and improving the same, possess all the powers and perform all the duties now or heretofore possessed, enjoyed, or exercised by such Commissioners in respect to the Central Park in the said city, and by the Mayor, Aldermen, and Commonalty of the City of New York, and the several departments of said city, in relation to the streets, avenues, and similar improvements thereof in other parts of said city. And all the provisions of section four of an act entitled "An act for the improvement of part of the City of New York, between One Hundred and Tenth street and the Harlem river," passed April 24, 1865, and the powers thereby conferred upon said Commissioners respecting Sixth avenue and other streets in said city, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to the said portion of the Seventh avenue, and to the said avenue required by this act to be laid out or improved under the direction of said Commissioners, and the improvement thereof, in like manner as if the

Provisions
of act of
April 24,
1865, appli-
cable.

said provisions were incorporated in this act. It shall be lawful for the said Commissioners to do all the work required to be done by them by day's work, or by contract, or in such manner as they may deem expedient; and in case the moneys collected upon the assessments laid for the purpose of carrying on the work required to be done by this act or any part thereof, or for carrying on the work required by law to be done by the said Commissioners on the said portion of the Seventh avenue, shall be insufficient to pay for the said work, the balance shall be certified by the said Commissioners to the Board of Supervisors of said city and county, and shall be raised on the estates, real and personal, subject to taxation in said county, in the next tax levied by said Board of Supervisors after the receipt of such certificate, and shall thereupon be paid over by the Comptroller of said city in the same manner as moneys collected upon the assessments authorized by this section. And the Comptroller of the City of New York is hereby authorized and directed, on the request of said Commissioners, to borrow and pay over to said Commissioners the amount of such balance on the revenue bonds of the said city, in anticipation of the receipt of said taxes. The sewerage required by this section shall conform in plan, grade, and section to the general plan of sewerage adopted or to be adopted by the Croton Aqueduct Board.

Day's work
or contract.

Comptroller
to borrow in
anticipation,
&c.

Sewerage.

SEC. 8. The Commissioners of the Central Park now in office shall continue to hold office for five years from the expiration of their present term of office, and until others are appointed in their stead; and are hereby authorized to include in the estimate that they are authorized to make by the fourth section of the act entitled "An act for the construction, regulation, maintenance, and government of the Central Park, in the City of New York, and to provide additional means therefor," passed March nineteenth, eighteen hundred and sixty, for the maintenance and gov-

Terms of
office of
Commis-
sioners.

ernment of the Central Park, the sum of fifty thousand dollars in addition to the sum authorized by said section four, and the amount of such estimate shall be annually raised as provided in said section, and shall be applied by said commissioners to the payment of the expenses of the maintenance and government of the Central Park, and to the expenses necessarily incurred in performing the duties imposed by law upon said commissioners.

Title to
streets and
avenues
above Fifty-
ninth street.

SEC. 9. The said Commissioners of the Central Park are hereby authorized, when they deem it expedient for the public interest so to do, for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, to acquire the title for the use of the public, to any or all streets and avenues above Fifty-ninth street, in said city, laid out on the map or plan of the City of New York, by the Commissioners appointed in and by an act entitled "An act relative to improvements touching the laying out of streets and roads, in the City of New York, and for other purposes," passed April third, eighteen hundred and seven, and for that purpose said Commissioners of the Central Park may make application to the Supreme Court in the First Judicial District, for the appointment of Commissioners of Estimate and Assessments, specifying, in such application, the lands required for that purpose, and the proceedings to acquire title to such lands shall be had, pursuant to such acts as shall then be in force relative to the opening of streets, roads, and public squares and place in the City of New York, and it shall be the duty of the corporation counsel to perform and discharge all the legal services required in the proceedings to carry out the provisions of this act, without any additional compensation beyond the salary and allowance now provided by law.

Corporation
Counsel.

SEC. 10. This act shall take effect immediately.

Chap. 550.

AN ACT to enable the Commissioners of the Central Park to make further improvements in the City of New York.

Passed April 13, 1866; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Commissioners of the Central Park to cause a survey to be made of that part of the City and County of New York bounded northerly by One Hundred and Fifty-fifth street; easterly, by the westerly line of the Eighth avenue north of Eighty-second street and by the westerly line of the Ninth avenue south of Eighty-second street; southerly, by the southerly line of Seventy-second street east of the Tenth avenue and by the southerly line of Sixty-seventh street west of the Tenth avenue, and westerly by the Hudson river, and to prepare maps, plans, and profiles embracing and showing such changes in the width, direction, and grades of the streets, avenues, and roads now laid out within the area above described, and in the pier and bulkhead lines now established, as, in their opinion, can be made with benefit to the property affected, and to the public interests, and also the boundaries and grades of such streets, avenues, roads, and public squares and places, as, in their opinion, can be laid out or discontinued with like benefit, and to enable them to perform these duties, such of the provisions of the act entitled "An act to provide for the laying out and improving of certain portions of the City and County of New York," passed April Twenty-fourth, eighteen hundred and sixty-five, as are applicable thereto, shall apply

Commissioners of Central Park to survey, &c., a certain district west of 8th avenue.

To report
thereon.

fully and completely to the powers and proceedings of the said Commissioners under this act. The said Commissioners shall, from time to time, report to the Legislature, the maps, plans, and profiles above specified, with their proceedings under this act. No proceedings shall be had or taken by any officer or body for any street, opening, or improvement within the area above described, except that the work under contracts already made and executed may be done and completed, and except such proceedings as the said Commissioners are authorized to take, until the said Commissioners shall have reported and the Legislature shall have determined the boundaries and grade of such street, unless the Commissioners of the Central Park shall concur with such body or officer in authorizing the opening or improvement of said street. The authority of the said Commissioners under this act shall expire on the first day of May, which will be in the year one thousand eight hundred and sixty-eight.

Expiration
of authority.

Not to inter-
fere with
powers under
act of 1865.

SEC. 2. This act shall not be held or construed to limit, restrain, annul, or in any manner interfere with the powers and duties of the said Commissioners conferred and imposed by the said act, passed April twenty-fourth, eighteen hundred and sixty-five, or by any other act.

SEC. 3. This act shall take effect immediately.

Chap. 632.

AN ACT to amend an act entitled "An act in relation to the Croton Aqueduct in the City of New York, and certain streets in said city," passed April twenty-seventh, eighteen hundred and sixty-five, and to provide for the full execution thereof.

Passed April 17, 1866; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The second section of the act entitled "An act in relation to the Croton Aqueduct in the City of New York, and certain streets in said city," passed April twenty-seventh, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

"§ 2. The grade of the Eighth avenue, between Fifty-ninth and One Hundred and Twenty-second streets, is hereby established as follows: Commencing at an elevation seventy-six feet four inches above the high water line, at the point where the centre line of Fifty-ninth street intersects the centre line of the Eighth avenue, and continuing thence along the centre line of said avenue, on a level line, to the intersection of the centre line of Sixty-sixth street; thence on a straight line to the intersection of the centre line of Sixty-ninth street, at such rate of ascent as to intersect the same at an elevation eighty-eight feet above the high water line, thence on a level line to the intersection of the centre line of Eightieth street; thence on a straight line to the intersection of the centre line of Eighty-fourth street, at such a rate of ascent as to intersect the same at an elevation one hundred and six feet above the high water line; thence on a straight

Grade of
Eighth
avenue.

line to the intersection of the centre line of Eighty-fifth street, at such rate of ascent as to intersect the same at an elevation one hundred and eight feet above the high water line; thence on a level line to the intersection of the centre line of Eighty-seventh street; thence on a straight line to the intersection of the centre line of Ninety-first street, at such a rate of ascent as to intersect the same at an elevation one hundred and fifteen feet above the high water line; thence on a level line to the intersection of the centre line of Ninety-second street; thence on a straight line to the intersection of the centre line of One Hundredth street, at such rate of descent as to intersect the same at an elevation eighty-one feet above the high-water line; thence on a level line to the intersection of the centre line of One Hundred and Second street; thence on a straight line to the intersection of the centre line of One Hundred and Tenth street, at such rate of descent as to intersect the same at an elevation forty-five feet above the high water line; and thence on a straight line to the intersection of the centre line of One Hundred and Twenty-second street, at such rate of descent as to intersect the same at an elevation twenty-five feet three inches above the high water line, except that there may be such elevations on the level lines hereby prescribed, not exceeding six inches to one hundred feet, as may be necessary for drainage; provided, however, that the said grade shall not be established unless the Commissioners of the Central Park shall, within four months after the passage of this act, approve of the grade hereby authorized. The said Commissioners may, however, approve of such part of the grade hereby authorized as is between any two points at which the said grade and the grade of the said avenue, as now established, under the act hereby amended or otherwise, intersect, and reject the grade between any or all of the other intersecting points, or the said Commissioners may, at any time prior to filing the map hereinafter specified, with the consent of the owners of

Conditions of
establishing
grade.

a majority of the lineal feet of the front of the land, other than that included within street lines, or the Central Park east of the Eighth avenue, bounding the said avenue, between any two of such intersecting points, prescribe and establish any other grade or grades for the said avenue between such intersecting points; and the said Commissioners may give such consent for any land owned by the Mayor, Aldermen, and Commonalty of the City of New York. When the grade of the said avenue is finally established, in pursuance of the provisions of this act, the Commissioners of the Central Park shall cause a map or profile of the grade so established to be prepared and certified in such a manner as they may direct, and filed in the office of the Street Commissioner of the City of New York, and the grade of the said avenue shall be thenceforth established and held to be as shown in and by the said map or profile, and all grades previously established for that part of the said avenue are hereby discontinued and abrogated, and the grade established by and in pursuance of this act shall not thereafter be changed or altered. The Commissioners of the Central Park shall regulate, grade, pave, and flag that part of the said avenue between the centre lines of Seventy-seventh and Eighty-first streets, and also the northerly half of Seventy-seventh street and the southerly half of Eighty-first street, between the Eighth and Ninth avenues, and shall certify the expenses thereof, and of an arch or arches, or other structure, for a passage-way under the said Eighth avenue, and also of adapting the work on the Park to the grade of the said Eighth avenue established by or in pursuance of this act, and the act hereby amended. And the Board of Supervisors of the County of New York are hereby authorized and directed to raise and collect, by tax, the several amounts of money so certified, in the same manner that the other expenses of the City of New York are raised and collected by them. The Street Commissioner of the City of New York shall proceed forthwith to regulate the rest of the

Map or profile
of grade.

Commissioners of
Central
Park to
improve,
&c., certain
streets.

Certificate of
expense.

Tax for ex-
pense.

Contracts by
Street Com-
missioner.

said Eighth avenue in conformity with the grade hereby established, and for that purpose shall make one contract for that part of the work between the centre lines of Fifty-ninth and Seventy-seventh streets; one contract for that part of the work between the centre lines of Eighty-first and One Hundredth streets; and one contract for that part of the work between the centre lines of One Hundred and one Hundred and Twenty-second streets; and he shall insert in each contract the earliest day that, in his opinion, is practicable as the limit of time for the full and complete performance of the work under the contract, and also such penalty for each day that may elapse between that limit and the final completion of the work as in his judgment will secure the prompt and efficient execution of the work. The part of the grading and regulating the said avenue, as herein provided, to be done by the Street Commissioner, shall be considered as one improvement, and the expense thereof shall be assessed, collected and paid in the manner now provided by law; such assessment being made upon all the property benefited by the improvement, but not to extend on either side beyond a line four hundred feet from the avenue."

Part of
Eighth ave-
nue to be
widened on
consent of
owners of
land.

SEC. 2. That part of Eighth avenue lying between One Hundred and Second and One Hundred and Tenth streets shall be widened on the map or plan of the City of New York, by adding, on the westerly side thereof, twenty-five feet of land, so as to make the whole width of that part of the said avenue one hundred and twenty-five feet: provided that the owners of two thirds of the land to be taken for such widening shall file with the Commissioners of the Central Park a written consent that such land be taken; and the addition to the said avenue to be made by such widening, is hereby declared to be a part of one of the streets or avenues of the City of New York, in like manner and with the same effect as if the same had been originally

laid out as a part of the said avenue in the map or plan of the said city; and all acts and parts of acts now in force in relation to the widening, laying out, grading, regulating, sewerage, paving and improving streets and avenues in the said city, shall apply to the said part of the said avenue, in its enlarged width, except as may be herein otherwise provided. Upon the filing of the said consent, the Commissioners of the Central Park are hereby authorized and directed, for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, and for public use, to apply to the Supreme Court, at any Special Term thereof, held in the First Judicial District, for the appointment of Commissioners of Estimate and Assessment for the widening of that part of the Eighth avenue authorized to be widened by this act; and all the laws now in force relative to the widening of streets in the City of New York, so far as the same are not inconsistent with this act, shall apply to the proceedings for the said widening, and it shall be the duty of the Counsel to the Corporation of the City of New York to perform all necessary legal services in the proceedings authorized by this act without any additional compensation beyond the salary and allowance now provided by law. The assessment of the said widening shall, upon the confirmation of the report of the Commissioners of Estimate and Assessment, become a lien upon the land upon which the assessment is made; and such assessment may be collected and enforced in the manner now provided by law.

When Commissioners of Estimate and Assessment to be applied for.

SEC. 3. If the said avenue shall be widened in the part herein above authorized to be widened, the Commissioners of the Central Park shall have power to divide that part of the said avenue, so that the easterly part thereof as so widened, to the width of at least sixty-five feet, shall be of the grade established by or in pursuance of this act; and the westerly part thereof as so

Division of avenue grades.

Supporting
wall.

widened, to the width of at least fifty-five feet, shall be of a higher grade, to be established by the said Commissioners. And the Commissioners of the Central Park shall build a supporting wall along the easterly side of that part of the said avenue as so widened, which is of a higher grade than that established by or in pursuance of this act, and place an iron railing upon the coping of said wall; and the expenses of the said wall and railing, to be certified by the said Commissioners, shall be assessed, collected and paid as part of the expenses of regulating and grading the said avenue.

SEC. 4. This act shall take effect immediately.

Chap. 757.

AN ACT to amend an act, entitled "An act authorizing the Mayor, Aldermen, and Commonalty of the City of New York, to widen Broadway or Bloomingdale road, between Fifty-seventh and Fifty-ninth streets, in the City of New York," passed April thirteenth, eighteen hundred and fifty-seven.

Passed April 21, 1866; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of chapter three hundred and eighty-eight, of the laws of eighteen hundred and fifty-seven, is hereby amended, so as to read as follows:

The street known as Broadway or Bloomingdale road, in the City of New York, may be widened by the Mayor, Aldermen, and Commonalty of the City of New York, from a point at the intersection of the easterly line of Broadway, with the northerly line of Fifty-seventh street, and thence running northerly in a straight line to a point in the southerly line of Fifty-ninth street, distant six hundred and seventy-five feet and eleven inches westerly from the westerly line of the Seventh avenue, and they may also take and use, as and for a public place all the land included within the circumference of a circle having a diameter of four hundred and thirty-two feet, and having its centre at the point where the centre line of the Eighth avenue intersects a line drawn parallel with the southerly line of Fifty-ninth street, and fifty feet northerly therefrom, and they are hereby authorized to close that portion of Broadway or Bloomingdale road lying south of the circumference of the said circle, and be-

Who may
widen part
of Broad-
way.

Part of
Broadway to
be widened.

Public place
or Circle.

tween the present westerly line of the Bloomingdale road or Broadway, and a line parallel to, and one hundred feet westerly from the easterly line of said road or street, authorized by the first section of this act; they are also hereby authorized to close and discontinue that portion of Sixtieth street, lying between the westerly line of the Eighth avenue and the easterly line of Broadway or Bloomingdale road, as the same has been or may be established by the Commissioners of the Central Park. The act entitled "An act relative to the improvements touching the laying out of streets and roads in the City of New York and for other purposes, passed April third, eighteen hundred and seven," to the contrary notwithstanding. And whenever the said Mayor, Aldermen, and Commonalty of the City of New York shall deem it desirable, in order to improve the access to Central Park, or otherwise, for the public convenience so to widen the said street, or to open said public place, they may order and direct the same to be done in like manner, and the like proceedings shall be thereupon had in relation to the said widening, or to said opening of said public place, as if the said widening, or said opening was in a part of said city not laid out into streets and avenues, squares, and public places, by the Commissioners of Streets and Roads in the City of New York, under and by virtue of the said last mentioned act; and all the provisions relative to the widening of streets in that part of the said city not laid out as aforesaid, which are contained in the act entitled "An act to reduce several laws relating particularly to the City of New York, into one act, passed April ninth, eighteen hundred and thirteen," and the several acts altering and amending the same shall be construed to apply to said widening and to said opening of said public place.

Sec. 2. All proceedings heretofore instituted, or that may

hereafter be instituted for the said widening of said street, or for the opening of said public place, shall be made to conform to the provisions of the first section of this act, and all the powers now conferred by law upon the Mayor, Aldermen, and Commonalty of the City of New York, relative to the widening of said street, are hereby conferred upon the Commissioners of the Central Park, who are hereby authorized and directed to take all proceedings necessary to carry into effect the provisions of this act.

Who to take
proceedings.

SEC. 3. No portion of said street, between Fifty-seventh street and the northerly line of Fifty-ninth street, when so widened, shall be used for any other purpose than that of a public street, or public place, nor shall any portion thereof, be used as a carriage or hackstand, nor shall any stall, stand, or erection, or incumbrances of any kind be permitted therein, but the same and every portion thereof within the limits aforesaid, shall be kept free and clear for the passage of the public, and as respects its use, shall be under the exclusive control and management of the Commissioners of the Central Park, who are hereby authorized to make such rules and regulations respecting its use, not inconsistent with the provisions of this act as they may deem proper.

No part to be
used for
hackstands,
&c.

SEC. 4. This act shall take effect immediately.

Chap. 580.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act in relation to the Croton Aqueduct in the City of New York, and certain streets in said city,' passed April twenty-seventh, one thousand eight hundred and sixty-five, and to provide for the full execution thereof," passed April seventeenth, one thousand eight hundred and sixty-six.

Passed April 23, 1867; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Sections one, two, and three of an act entitled "An act to amend an act entitled an act in relation to the Croton Aqueduct in the City of New York, and certain streets in said city, passed April twenty-seventh, one thousand eight hundred and sixty-five, and to provide for the full execution thereof," passed April seventeenth, one thousand eight hundred and sixty-six, are hereby amended so as to read as follows :

§ 1. The second section of the act entitled "An act in relation to the Croton Aqueduct in the City of New York, and certain streets in said city," passed April 27, 1865, is hereby amended so as to read as follows :

Grade of
Eighth
Avenue, be-
tween 59th
and 123d
streets.

§ 2. The grade of the Eighth avenue, between Fifty-ninth and One Hundred and Twenty-second streets, is hereby established as follows: Commencing at an elevation seventy-six feet four inches above the high water line, at the point where the centre line of Fifty-ninth street intersects the centre line of the Eighth avenue, and continuing thence along the centre line of said avenue, on a level line, to the intersection of the centre line of

Sixty-sixth street; thence on a straight line to the intersection of the centre line of Sixty-ninth street, at such rate of ascent as to intersect the same at an elevation eighty-eight feet above the high water line; thence on a level line to the intersection of the centre line of Eightieth street; thence on a straight line to the intersection of the centre line of Eighty-fourth street, at such rate of ascent as to intersect the same at an elevation one hundred and six feet above high water line; thence on a straight line to the intersection of the centre line of Eighty-fifth street, at such rate of ascent as to intersect the same at an elevation one hundred and eight feet above the high water line; thence on a level line to the intersection of the centre line of Eighty-seventh street; thence on a straight line to the intersection of the centre line of Ninety-first street, at such rate of ascent as to intersect the same at an elevation one hundred and fifteen feet above the high water line; thence on a level line to the intersection of the centre line of Ninety-second street; thence on a straight line to the intersection of the centre line of One Hundredth street, at such rate of descent as to intersect the same at an elevation eighty-one feet above the high water line; thence on a level line to the intersection of the centre line of One Hundred and Third street; thence on a straight line to the intersection of the centre line of One Hundred and Tenth street, at such rate of descent as to intersect the same at an elevation forty-five feet above the high water line; and thence on a straight line to the intersection of the centre line of One Hundred and Twenty-second street, at such rate of descent as to intersect the same at an elevation twenty-five feet three inches above the high water line, except that there may be such elevations on the level lines hereby prescribed, not exceeding six inches to one hundred feet, as may be necessary for drainage; and all grades heretofore established for that part of the said avenue are hereby discontinued and abrogated, and the grade established by this act shall not

Commissioners of Central Park to grade certain portions.

Tax for expense thereof.

Duty of Street Commissioner.

Contracts.

Provisions.

be changed or altered. The Commissioners of the Central Park shall regulate and grade, pave and flag that part of the said avenue between the centre lines of Seventy-seventh and Eighty-first streets, and also the northerly half of Seventy-seventh street and the southerly half of Eighty-first street, between the Eighth and Ninth avenues, and shall certify the expense thereof, and of an arch or arches or other structure, for a passage way under said Eighth avenue; and also, of adapting the work on the Park to the grade of the said Eighth avenue, established by this act. And the Board of Supervisors of the County of New York are hereby authorized and directed to raise and collect by tax, the several amounts of money so certified, in the same manner that the other expenses of the City of New York are raised and collected by them. The Street Commissioner of the City of New York shall proceed forthwith to regulate the rest of the said Eighth avenue in conformity with the grade hereby established, and for that purpose shall, within sixty days after the passage of this act, make one contract for that part of the work between the centre lines of Fifty-ninth and Seventy-seventh streets; one contract for that part of the work between the centre lines of Eighty-first and One Hundredth streets, and one contract for that part of the work between the centre lines of One Hundred and One Hundred and Twenty-second streets; and he shall insert in each contract a provision requiring that the work on the easterly side of the avenue, to the width of about fifty feet, shall be first done; and he shall also insert in each contract a provision that the easterly half of the work shall be finished within one year; and also that the whole work shall be finished within such limit of time, as in his opinion is practicable for the full and complete performance of the work under the contract; and also, such penalty for each day that may elapse between that limit and the full completion of the work, as in his judgment will secure the prompt and

efficient execution of the work. That part of the grading and regulating the said avenue to be done by the Street Commissioner, as herein provided, shall be considered as one improvement, and the expense thereof shall be assessed, collected and paid in the manner now provided by law; such assessment being made upon all the property benefited by the improvement, but not to extend on either side beyond a line four hundred feet from the avenue.

SEC. 2. That part of the Eighth avenue, between One Hundred and Third street and One Hundred and Seventh street, shall be widened on the map or plan of the City of New York, by adding on the westerly side thereof a strip of land twenty-five feet wide, so as to make the whole width of that part of the said avenue one hundred and twenty-five feet; provided that the owners of two-thirds of the land to be taken for such widening shall file, with the Commissioners of the Central Park, a written consent that such land be taken; and the addition to the said avenue, to be made by such widening, is hereby declared to be a part of one of the streets or avenues of the City of New York, in like manner and with the same effect as if the same had been originally laid out as a part of the said avenue in the map plan of the said city; and all acts and parts of acts now in force, in relation to the widening, laying out, grading, regulating, sewerage, paving, and improving streets and avenues in the said city, shall apply to the said part of the said avenue, in its enlarged width, except as may be herein otherwise provided. Upon receiving the said consent, the Commissioners of the Central Park are hereby authorized and directed, for, and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, and for public use, to apply to the Supreme Court, at any Special Term thereof, held in the First Judicial District, for the appointment of Commissioners of Estimate and Assess-

Widening of
Eighth ave-
nue, between
103d street
and 107th
street.

Commis-
sioners of
Estimate.

ment, for the widening of that part of the Eighth avenue authorized to be widened by this act; and all laws now in force relative to the widening of streets in the City of New York, so far as the same are not inconsistent with this act, shall apply to the proceedings for the said widening; and it shall be the duty of the Counsel to the Corporation of the City of New York to perform all necessary legal services in the proceedings authorized by this act, without any additional compensation, beyond the salary and allowances now provided by law. The assessment for the said widening shall, upon the confirmation of the report of the Commissioners of Estimate and Assessment, become a lien upon the land upon which the assessment is made, and such assessment may be collected and enforced in the manner now provided by law; but no assessment shall be made upon any land more than four hundred feet from the said avenue.

Confirmation of report of Commissioners.

SEC. 3. If the said avenue shall be widened as authorized by this act, the Commissioners of the Central Park shall divide that part of the said avenue so widened, in such manner that the easterly part thereof, to the width of at least sixty-five feet, shall be of the grade established by this act, and the westerly part thereof, to the width of at least fifty-five feet, shall be of a higher grade, to be established by the said Commissioners, but such higher grade shall not in any part be higher than the natural surface of the ground. And the Commissioners of the Central Park shall build a supporting wall along the easterly side of that part of the said avenue so widened, as is of a higher grade than that established by this act, and place an iron railing upon the coping of the said wall; and the expense of the said wall and railing, to be certified by the said Commissioners, shall be assessed, collected, and paid as part of the expenses of regulating and grading the said avenue. The said Commissioners shall also have power to build a supporting wall on the easterly side

Division of avenue when widened.

Supporting wall.

of that part of the said avenue so widened, to the height of a line parallel to the grade line of the higher grade of the westerly part of the said avenue ; and to slope off or terrace the part of the surface of the Central Park immediately behind the said supporting wall ; and to erect an iron bridge to connect the higher grade of the said avenue, in the part so widened, with the Central Park ; and to establish an entrance into the Park opposite to the said bridge, and to erect an iron stairway near such entrance, leading to the lower grade of the said avenue ; and if the said Commissioners shall make any of the said improvements, they shall certify the expense thereof as a part of the expense of adapting the work on the Park to the grade of the said Eighth avenue, established by this act, and the amount so certified shall be raised and collected as a part of the said expense, in the manner provided by this act.

SEC. 2. This act shall take effect immediately.

Chap. 697.

AN ACT to alter the map or plan of certain portions of the City of New York, and for the laying out and improvement of the same.

Passed April 24, 1867; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Powers of
Commission-
ers.

SECTION 1. The Board of Commissioners of the Central Park shall have and possess exclusive power to lay out and establish streets, avenues, roads, public squares or places, of such width, extent, and direction as to them shall seem most conducive to public good; and also to designate and direct what part or parts of any streets, avenues, roads, public squares and places, now laid out, shall be abandoned and closed, and also to widen any street or avenue or road now laid out, and also to alter and amend the present grades of any street, avenue, or road that may be retained by them, and to establish new grades for all other streets, avenues, or roads that may be laid out and established or retained by them, within that part of the City of New York which is bounded as follows: Northerly by the southerly side of One Hundred and Fifty-fifth street, easterly by the westerly side of the Eighth avenue, southerly by the southerly side of Fifty-ninth street, and westerly by the Hudson river, and also within a space three hundred and fifty feet in width surrounding the Central Park. And also to lay out and establish new pier and bulkhead lines, and the grades thereof, as to them shall seem proper for the requirements of commerce in said North or Hudson's, river from Fifty-fifth street to Spuyten Duyvil Creek, and on both sides of Spuyten Duyvil Creek and the Harlem river.

Boundary of
district.

Space sur-
rounding
Park.

Pier and
bulkhead
lines.

from the North or Hudson's river to the line of the Third avenue; but such new pier and bulkhead lines, and the grades thereof, shall not be deemed finally established until they have been approved by the Legislature.

SEC. 2. It shall be lawful for the said Board of Commissioners of the Central Park, and for all persons acting under their authority, to enter in the day time into and upon any lands, tenements, and hereditaments which they shall deem necessary to be surveyed, used, or converted, for the laying out, opening, and forming of any such street, avenue, road, public square, and place, and the establishment of pier and bulkhead lines; and the said Commissioners shall, in all cases of laying out streets, avenues, roads, public squares, and places, and in the establishment of grades therefor, and of pier and bulkhead lines, which they are authorized or directed by law to lay out or establish, cause to be made two similar maps or plans showing the streets, avenues, roads, public squares, and places, and the pier and bulkhead lines, which they shall lay out or retain as aforesaid, showing the width, extent, and location of the same, and also two similar maps or plans, showing the grades that shall be amended or established by them, for the streets, avenues, roads, public squares, and places so laid out or retained by them, and said maps or plans, when so made, shall be certified by one of the officers of the Board of Commissioners of the Central Park, to be designated by said Board for such purpose, and one of said maps showing the width, extent, and location of the streets, avenues, roads, public squares, and places, and the pier and bulkhead lines so laid out and established or retained, and one of said maps showing the grades so amended or established, shall be filed by them in and remain of record, in the office of the Street Commissioner of said city, and the others shall remain of record in the office of said Commissioners of the Central Park.

Power to
enter on
lands, &c.

Duplicate
maps.

What to
show.

Where to be
filed.

Maps to be
final.

Streets,
places, &c.,
not to
remain, &c.

Abutting
owners.

Damages,
how to be
paid.

SEC. 3. The maps or plans, excepting the pier and bulkhead lines, and the grades thereof, when made and filed as aforesaid, shall be final and conclusive, as well in respect to the Mayor, Aldermen, and Commonalty of the City of New York, as in respect to the owners and occupiers of lands, tenements, and hereditaments, within the boundaries aforesaid, and in respect to all other persons whomsoever, with the same intent and effect as if the same had been laid out and established by the Commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April 3, 1807; and all streets, avenues, roads, public squares, and places, and the grades therefor, heretofore laid out and established within the district mentioned in the first section of this act, which shall not be shown or retained on the maps to be filed by the Commissioners as before mentioned, shall, from and after the time of filing of said maps, cease to be or remain public streets, avenues, roads, squares, or places. And the abutting owners, on such of said streets, avenues, and roads as have been opened or ceded, and as shall be abandoned or closed under the provisions of this act, shall become and be seized in fee simple absolute therein, to the centre line thereof in front of his or their lands, respectively, except where such streets, avenues, or roads, shall, on said maps, have been retained or taken for other public use, but subject, however, to any existing right of the Mayor, Aldermen, and Commonalty of the City of New York, to maintain and keep in order any sewer, Croton water aqueduct or pipe, or the appurtenances thereof that may have been constructed in any street, avenue, or road so closed. All damage to any land or to any building or other structure thereon existing at the time of the passage of this act, or any street, avenue, or road laid out on the map of the City of New York within the district specified in the first section of this act, by

reason of closing such street or altering the grade thereof, shall be ascertained and paid in the manner specified in sections three and four of an act entitled "An act to make permanent the grades of the streets and avenues in the City of New York." passed March fourth, eighteen hundred and fifty-two. And whenever said Board of Commissioners shall deem it proper so to do, they may file maps, plans, or surveys in the manner before provided, showing the streets, avenues, and public squares, or places, which they have determined to lay out, abandon, close, or retain within any particular section of the district mentioned in the first section of this act, and of the grades therefor, and from and after the filing of said maps as aforesaid, the powers of said Board of Commissioners to lay out, widen, abandon, close, or alter any street, avenue, road, public square, or place within such section of said district shall absolutely cease and determine.

SEC. 4. In all cases of improvements touching the laying out of streets, avenues, roads, public squares and places, and where said Commissioners of the Central Park are required to file maps, plans, or surveys thereof, and of the grades therefor, except those laid out under the authority of this act, it shall not be necessary to file the maps showing the laying out, and the maps showing the grades therefor, at the same time, but whenever they shall deem the public interests so require, they may file in the offices hereinbefore designated, maps, plans, or surveys, certified as hereinbefore provided, of such streets, avenues, roads, public squares and places, and of grades, as they may, from time to time, lay out and establish, and all the provisions of this act shall be applicable to the same when so filed; but such streets, avenues, roads, public squares and places, and grades, shall be again exhibited on the maps, plans, or surveys filed upon the completion of the whole work.

When necessary to file maps, etc.

When
changes of
grade shall
not be
made.

SEC. 5. Whenever the grade of any street, avenue, or road, or any part of any street, avenue, or road, shall be fixed, established, or changed by said Board of Commissioners of the Central Park as provided by this act, such grades shall not be thereafter changed unless the owners of two-thirds of the land in lineal feet fronting upon the street, avenue, or road where such changes are proposed to be made, shall first consent in writing to such proposed change of grade, and file such consent in the office of the said Commissioners, and upon such consent being so filed, such grade may be so changed by said Commissioners, if they shall deem it expedient to do so, and if any such change of grade shall be so made by said Commissioners, they shall cause maps, plans, or surveys showing such changes of grade as may be so made by them, to be filed in the offices mentioned in section two of this act, in the manner provided by said section.

Title to be
acquired by
Commissioners of
Estimate
and Assessment.

SEC. 6. The Commissioners of the Central Park for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, are authorized to acquire title for the use of the public to any of the public squares and places, streets, avenues, or roads, that have been or may be laid out or retained by them, whether under this act or otherwise, whenever they shall deem it for the public interest so to do, and such Commissioners shall for that purpose within two years from the time of filing the map thereof, as provided in the second section of this act, make application to the Supreme Court in the First Judicial District, for the appointment of Commissioners of Estimate and Assessment, specifying, in such application, the lands required for that purpose; and such proceedings, to acquire title to such lands, shall be had pursuant to such acts as shall then be in force relative to the opening of public squares and places, streets, avenues, and roads in the City of New York, except that in such proceedings the Commissioners of the Central Park shall act in lieu and place of

the Mayor, Aldermen, and Commonalty of the City of New York, and except that the said Commissioners of Estimate and Assessment, who may be appointed as herein provided, may assess, for such openings, all such parties and persons, lands and tenements, as they may deem to be benefited by such improvement, to the extent which said Commissioners deem such parties, persons, lands, and tenements benefited thereby; and it shall be the duty of the Counsel to the Corporation of the City of New York to perform all the legal services required of him in the proceedings authorized by this act, without any additional compensation beyond the salary and allowance now provided by law; and all such public squares and places, that shall be laid out or retained by said Commissioners of the Central Park, as aforesaid, shall, immediately after the same are opened, be and remain under the control and management of the Commissioners of the Central Park, as to the regulating, grading, paving, sewerage, and otherwise improving and maintaining the same; and all parts of any public street, avenue, road, or public square and place, within the distance of three hundred and fifty feet from the outer boundaries of the Central Park or place, and all others laid out as aforesaid, shall, at all times, after the opening of the same, be subject to such rules and regulations, in respect to the uses thereof, and erections or projections thereon, as the said Board of Commissioners of the Central Park may make therefor. Nothing in this act shall be construed to authorize the Commissioners of the Central Park to do any work in the matter of regulating, grading, paving, sewerage, or curb and guttering any of the streets, avenues, or roads within the district mentioned in the first section of this act, which any of the Departments of the Government of the City of New York are now authorized by law to do, but said Departments shall, upon the requisition of said Commissioners, proceed forthwith to do such work and make such improvements within the district aforesaid

Assessment
for benefit.

Duty of Cor-
poration
Counsel.

Public
places to be
under con-
trol of Com-
missioners of
Central
Park.

Uses,
erections and
projections.

Authority of
City De-
partment.

as properly come under their respective powers as shall be required by the said Commissioners, upon the plan and in the manner specified by the said Commissioners, except that any sewers within the district shall be constructed on the plan provided therefor by the Croton Aqueduct Board; and nothing in this act shall affect existing ordinances or regulations concerning hackney-coaches.

Subdivision
of plots, &c.,
by owners.

SEC. 7. If at any time after the filing of the maps showing the laying out of the streets, avenues, roads, and public squares, and places before provided for, or that may be laid out by the said Commissioners of the Central Park, by virtue of any other act, the owner or owners of any plot of land bounded on all sides by streets, avenues, or roads, and not laid out as and for a public square or place, shall desire to subdivide such plot and give public right of way into or through such plot, he, she, or they may do so, by submitting two maps, plans, or surveys of such plot and of such proposed right of way, showing the width, which shall not be less than thirty feet, and the location, extent, and direction of the same, and the proposed grade therefor, to the Board of Commissioners of the Central Park for their approval, and if the same shall be approved by said Board, and the owner or owners aforesaid shall immediately thereafter convey, in such form as shall be approved by said Board, the title to the land required for such right of way, free and clear from all incumbrances, unto the Mayor, Aldermen, and Commonalty of the City of New York, in trust, as and for a public street, road, or avenue; the same shall from that time be and become an open public street, road, or avenue, the same as if it had been laid out and opened as other streets, roads, or avenues are or ought to be; and the maps, plans, or surveys thereof, and of the grades therefor, shall immediately thereafter be certified and filed in the manner provided in section two of this act.

SEC. 8. The Comptroller of the City of New York is hereby authorized and directed to deposit to the credit of the Board of Commissioners of the Central Park, with such Bank or Trust Company as shall be designated by the said Board, such sums of money as said Board shall from time to time require/for payment for any work, services, or material furnished under any contract, proceeding, or otherwise, for laying out, opening, regulating, grading, or otherwise improving any street, avenue, road, public square, or place, the construction or maintenance of which by law is or shall be under the direction, control, and management of said Board of Commissioners of the Central Park, specifying on what particular work or proceeding said money is required, and to enable said Comptroller to raise such money and so deposit it, he is hereby authorized and empowered to borrow from time to time, in the name of the Mayor, Aldermen, and Commonalty of the City of New York, by the issue of bonds, bearing such rate of interest as he may deem proper, not exceeding seven per cent. per annum, such sum as shall be necessary to pay all expenses incurred, or to be incurred, as aforesaid; and whenever such expenses, or any part thereof, is afterwards to be collected by assessment from the property benefited by such work or works, the proceeds of such assessments, so to be laid and collected for each and every such work or works, are hereby pledged for the redemption of the bonds so to be issued, and the remainder or deficiency necessary for the redemption of said bonds, and the interest thereon, shall be certified by said Comptroller to the Supervisors of the County of New York, as soon as the same shall be ascertained by him, and be by the said Supervisors included and raised in the then next annual levy for annual taxes in the City and County of New York, and be applied to the final and full redemption of said bonds, and the interest thereon.

Duty of
Comptroller
of city.

Comptroller
may issue
bonds, &c.

Tax for pay-
ment there-
of.

Parts of acts
applicable.

SEC. 9. All acts and parts of acts now in force in relation to opening, widening, laying out, grading, regulating, sewerage, and otherwise improving streets, avenues, roads, public squares, and places in the City of New York, and the assessment and collection of the expenses for the same, which are not inconsistent with the provisions of this act, are hereby declared to be applicable to this act, the same as if they were incorporated herein.

When
powers to
cease.

SEC. 10. The powers of the Board of Commissioners of the Central Park, under this act, to lay out, establish, and widen streets, avenues, roads, public squares, and places, and bulkhead and pier lines, and to designate and direct what parts of streets, avenues, roads, public squares, and places shall be abandoned and closed, shall cease on the first day of May, eighteen hundred and seventy-two.

SEC. 11. This act shall take effect immediately.

Chap. 288.

AN ACT approving lines and grades established under authority of chapter six hundred and ninety-seven of laws of eighteen hundred and sixty-seven, and amending said chapter six hundred and ninety-seven, entitled "An act to alter the map or plan of certain portions of the City of New York, and for the laying out and improvement of the same," passed April twenty-fourth, eighteen hundred and sixty-seven.

Passed April 22, 1868; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The new pier and bulkhead lines, and the grade thereof, laid out and established by the Board of Commissioners of the Central Park, in the North or Hudson's river from Fifty-fifth street to Spuyten Duyvil creek, and on both sides of Spuyten Duyvil creek and the Harlem river, from the North or Hudson's river to the line of the Third avenue, as the same are shown on the map entitled "Map showing the new pier and bulkhead lines laid out and established by the Board of Commissioners of the Central Park, pursuant to chapter six hundred and ninety-seven of the laws of the State of New York, passed April twenty-fourth, eighteen hundred and sixty-seven," dated New York, November nineteenth, eighteen hundred and sixty-seven, and signed by John J. Serrell, are hereby finally established and approved by the Legislature; said map, with the communication from the Board of Commissioners of the Central Park to the Legislature accompanying the same, and the written petition of the owners of a majority of lineal feet of frontage on said pier and bulkhead lines, shall be filed in the office of the Secretary of State, to remain of record.

New pier and bulkhead line established on Hudson and Harlem rivers, &c.

Map to be filed in office of Secretary of State.

Piers, how to
be built.

SEC. 2. It shall not be lawful to fill in with earth, stone, or other solid material, in the waters of the port of New York beyond the new bulkhead lines hereby established, nor shall it be lawful to erect any structure outside of, or exterior to, the said bulkhead except piers, which piers shall not exceed seventy feet in width respectively, with intervening water spaces of at least one hundred feet, nor shall it be lawful to extend such pier or piers beyond the new pier line hereby established.

Limits for
building;
how to be
removed,
&c.

SEC. 3. The provisions of section two of chapter five hundred and twenty-two of laws of eighteen hundred and sixty, are hereby made applicable to all piers, bulkheads, or other structures that may be built under and by virtue of this law.

Bulkhead
lines in Har-
lem river
and Spuyten
Duyvil creek
may be
altered and
maps filed.

SEC. 4. The Commissioners of the Central Park may, if they deem it necessary for the public interests, alter and amend any part or parts of the bulkhead lines in Spuyten Duyvil creek and the Harlem river, and upon their filing in the office of the Secretary of State a map or maps showing any alterations or amendments that they have made, the bulkhead lines so shown on such map shall become and be the established bulkhead lines, and the provisions of this act shall be applicable thereto.

Commission-
ers of Cen-
tral Park to
have control
of work on
certain
streets, &c.

SEC. 5. Section six of said chapter six hundred and ninety-seven is hereby amended by striking out the words "but said Departments shall, upon the requisition of said Commissioners, proceed forthwith to do such work and make such improvements within the district aforesaid as properly come under their respective powers, as shall be required by the said Commissioners, upon the plan, and in the manner specified by the said Commissioners," and inserting in the place thereof, as follows: "But the Board of Commissioners of the Central Park shall have exclusive power to regulate, grade, pave, sewer, curb and gutter, and

otherwise improve, direct, manage, control and maintain such parts of all streets, avenues and roads as bound and surround any public square or place laid out or retained by said Commissioners as aforesaid, in that portion of the district mentioned in the first section of this act, which lies west of the Eighth avenue, in the same manner and to the same extent as the said Commissioners now have and possess with respect to the improvements of the Sixth and Seventh avenues, in said city, north of the Central Park."

Sec. 6. This act shall take effect immediately.

From Chapter 853, Laws of 1868 (City Tax Levy).—Central Park, maintenance and government of.

For deficiency on this account, for the year one thousand eight hundred and sixty-seven, thirty-nine thousand six hundred and seventy-four dollars and ninety-one cents; and the Board of Commissioners of the Central Park is hereby authorized to include in the estimate which said Board is now authorized to make for moneys, required for the maintenance and government of said Park, such further sum not exceeding fifty thousand dollars annually as said Board may require for that purpose.

Maintenance, deficiency of Central Park.

Maintenance fund.

From Chapter 853, Laws of 1868 (City Tax Levy).—Grading Eighth avenue.

For grading that part of the Eighth avenue, the expense of which by section one of chapter six hundred and thirty-two of the laws of eighteen hundred and sixty-six, as amended by chapter five hundred and eighty of the laws of eighteen hundred and sixty-seven is to be discharged by tax and not by assessment, ten

Grading Eighth avenue.

Railroad
Company to
change track
during
progress of
work.

thousand dollars; and the Street Commissioner shall proceed forthwith to regulate and grade the said avenue, according to the grade established by the said act as so amended, and the Eighth Avenue Railroad Company are hereby required to change their track from time to time, as may be necessary during the progress of the work, so that the running of cars thereon shall be continued without interruption.

Chap. 350.

AN ACT to authorize the erection of a Soldiers' and Sailors' Monument in the City of New York, and to authorize the raising of money therefor.

Passed April 27, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of New York, are hereby authorized, upon the request of the Commissioners of the Central Park of the City of New York, to be expressed in writing, and not otherwise, to make such appropriations, not exceeding thirty thousand dollars, as to them may be thought proper, to defray the expenses of erecting a Monument in said county, to commemorate the services of the Soldiers and Sailors of New York County, in the war for the preservation of the Union, the same to be located and erected under the charge and direction of said Commissioners.

Board of Supervisors may make appropriation for a monument.

Location thereof.

SEC. 2. The said Board of Supervisors may levy the amount so appropriated upon the real and personal property of said county liable to taxation, for the purpose authorized in this act.

Tax, how levied.

SEC. 3. This act shall take effect immediately.

Chap. 595.

AN ACT to authorize the Erection and Maintenance of an Observatory in the City of New York.

Passed May 5, 1860; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Observatory
in Central
Park.

SECTION 1. The Board of Commissioners of the Central Park are hereby authorized to erect, establish, conduct and maintain on the Central Park, in said city, a Meteorological and Astronomical Observatory and a Museum of Natural History, and a Gallery of Art, and the buildings therefor, and to provide the necessary instruments, furniture and equipments for the same.

Moneys, how
raised and
expended.

SEC. 2. The moneys necessary for erecting and equipping said Observatory, Museum and Gallery, and the buildings therefor, and the necessary instruments, furniture, and equipments shall, to the extent of a sum, the annual interest of which shall not exceed fifteen thousand dollars, be raised, and, in addition to so much of the moneys now authorized for the improvement of the Park as said board may elect to use therefor, be expended in the same manner as moneys for the construction of said Park are now raised and expended under section one, two and three of the chapter eighty-five of the laws of eighteen hundred and sixty; and the moneys necessary for the maintenance of said Observatory, Museum, and Gallery, buildings, instruments and equipments, not exceeding thirty thousand dollars per annum, shall be provided and expended in the same manner as moneys for the maintenance of said Park are now raised and expended under section four of the same chapter.

Maintenance
of Observa-
tory.

SEC. 3. This act shall take effect immediately.

Chap. 826.

AN ACT for the improvement of certain parts of Westchester County, Harlem river, and Spuyten Duyvil creek.

Passed May 11, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the Board of Commissioners of the Central Park to cause a proper survey to be made of all that part of the County of Westchester lying west of the New York, Harlem and Albany Railroad, and south of the southerly line of the village of Yonkers, and a line in continuation thereof, and to devise and prepare maps, plans and profiles, embracing and showing such changes in the location, width, courses, windings and grades of the streets, avenues and roads now laid out within the area above described, as, in their opinion, can be made with benefit to the property affected, and to the public interest; and, also, the location, width, courses, windings and grades of such streets, avenues, roads and public squares and places, as, in their opinion, can be laid out or discontinued with like benefit, including plans for the proper sewerage and drainage of the land within said area, and for the supply of pure and wholesome water therefor, and, also, for the improvement of Harlem river and Spuyten Duyvil creek, and the plan and location of all bridges, tunnels and other means of transit across or under said river and creek. And it shall and may be lawful for the said Board of Commissioners, and all persons acting under their authority, to enter in the daytime into and upon all lands, tenements and hereditaments which they shall deem it necessary to

Survey of part of Westchester County by Central Park Commissioners.

To prepare maps, plans, etc., to benefit property.

Map to show location, &c., of streets, squares, &c.

Sewerage and supply of water. Improvement of river and creek.

Bridges, tunnels, &c.

Authority to enter upon lands, &c.

Report to
next Legis-
lature.

Proviso as to
street open-
ings and im-
provements.

Authority,
when to
expire.

survey in the performance of their duties under this act. The said Board of Commissioners shall report to the Legislature at its next session, the maps, plans and profiles above specified, so far as they shall have been able to complete the same, with such field notes and explanatory remarks as the nature of the subject may require, together with a statement of all their proceedings under this act. No proceeding shall be had or taken by any officer or body for any street opening or other public improvement within the area above described, except that work under contracts already made and executed may be done and completed, until the said Board of Commissioners shall have made the report hereby required, and the Legislature shall have taken final action upon the said report, unless the said Board of Commissioners shall concur with the proper officer or body in authorizing such opening or improvement. The authority of the said Board of Commissioners under this act shall expire on the first day of January, which will be in the year one thousand eight hundred and seventy-one.

Construction
of bridge or
Carriage-
way on High
Bridge to be
confirmed by
Legislature
and built by
the Croton
Aqueduct
Board.

Payment,
and how to
assess for.

SEC. 2. In case the said Board of Commissioners shall locate a bridge or carriage-way over or across the bridge over the Harlem river known as the High Bridge, and if upon their report to the Legislature as above provided it shall be confirmed by the Legislature, it shall be the duty of the Croton Aqueduct Board, and they are hereby required, to construct such bridge or carriage-way without any unnecessary delay, and the Counties of New York and Westchester shall, upon the certificate of the Croton Aqueduct Board, provide the means to pay for the construction of such bridge or carriage-way, in the manner herein-after provided, in proportion to the jurisdiction of such counties respectively, except that the moneys provided by the County of Westchester shall be assessed upon such pieces or parcels of land as shall be within such area as the Board of Supervisors of

the said county shall determine to be the territory benefited by such bridge or carriage-way.

Sec. 3. For the payment of all expenses incurred under the preceding sections of this act, the Treasurers of the Counties of New York and Westchester, respectively, are hereby required to pay over to the proper board such sums of money as shall be certified by the said boards, respectively, as necessary to be raised in the said counties, respectively, to carry out the provisions of this act, and such sums of money shall be raised and collected by the Supervisors of the said counties, respectively, in the manner in which other moneys in said counties are raised and collected, except that in the County of Westchester it shall be the duty of the Supervisors of the towns of Yonkers, West Farms and Morrisania to assess the sums of money specified by the Board of Commissioners of the Central Park upon the pieces and parcels of land in each of said towns within the area described in the first section of this act, ratably, in accordance with the assessed valuation of the said pieces and parcels of land, and said sums of money shall be included in the assessment rolls of said towns in separate columns; and the money to be raised upon the certificate of the Croton Aqueduct Board shall be raised in the same manner upon the pieces and parcels of land within the area determined by the Board of Supervisors under the second section of this act. It shall be the duty of the Receiver of Taxes in each town to collect the moneys so assessed in the manner that other taxes are collected, and pay the moneys so collected to the County Treasurer.

Assessment
and payment
of expenses
under act.

How
assessed in
Westchester
county.

Collection by
tax receiver.

Sec. 4. The Commissioners of the Central Park shall not in any manner interfere with or perform any of the duties imposed upon the Commissioners appointed by the act entitled "An act for the laying out, opening and closing of streets, roads and

Park Com-
missioners
not to in-
terfere with
duties of
Morrisania
Road Com-
missioners.

avenues in the town of Morrisania, in the County of Westchester," passed May nineteenth, eighteen hundred and sixty-eight, except with the consent of or in conjunction with the said Commissioners, nor shall the prohibition as to street openings, and other proceedings, contained in the first section of this act, apply to the town of Morrisania.

SEC. 5. This act shall take effect immediately.

Chap. 890.

AN ACT to alter the map or plan of the City of New York, and to carry the alterations into effect.

Passed May 17, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Broadway, in the City of New York, between Thirty-fourth and Fifty-ninth streets, shall be widened to the width of one hundred feet and straightened in the manner provided by this act. The Commissioners of the Central Park shall, within four months after the passage of this act, lay out that part of Broadway, and locate and establish the easterly and westerly lines thereof in such manner that the street shall be of the width prescribed by this act, and also so far as to straighten the same wherever practicable; but no part of either the easterly or westerly lines as so located and established shall be more than one hundred feet from the street as now laid out and established; and the said Commissioners shall also have power to make that part of Broadway between Thirty-second and Thirty-fifth streets, and that part between Forty-second and Forty-seventh streets, or any part or parts of either of the said parts, of a greater width or widths than one hundred feet, and to prescribe and direct what part of the open spaces between the said streets caused by the intersection of Broadway with one of the avenues of the said city shall be included as part of Broadway. The said Commissioners shall cause duplicate certificates to be made out and certified in such manner

Widening of
part of
Broadway.

Central
Park Com-
missioners to
lay out and
establish
lines thereof.

Location of
lines.

Additional
widening.

Certificates
and maps of
location of
lines, &c.,
how filed.

Effect of
filing.

Acts appli-
cable to
Broadway as
widened.

Parts of
street may be
closed and
discon-
tinued.

as they may direct, defining and describing the easterly and westerly lines of the part of Broadway aforesaid as located and established by them; and also duplicate maps to be made out and certified in the same manner, showing the widths, courses, and boundaries of that part of Broadway as laid out by them, and the distance of each corner formed by the intersecting streets from each of the next two corners on the same block of ground, and file one of such certificates and one of such maps in the office of the Street Commissioner, and the others in the office of the Register of the City and County of New York, and the filing of such certificates and maps as hereby provided shall be final and conclusive as to the extent and boundaries of the said improvement and the other matters hereby required to be described and shown therein and thereby. The said part of Broadway as laid out and established by the said Commissioners shall be a part of one of the streets of the City of New York in like manner and with the same effect as if the same had been laid out as a public street on the map or plan of the said city by the Commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April third, eighteen hundred and seven; and all acts and parts of acts now in force relative to opening, widening, closing, laying out, grading, regulating, sewerage, paving, and improving streets and avenues in the said city, shall apply to that part of Broadway, as so laid out, and to all proceedings under this act, so far as the same are applicable, except as hereinbefore or hereinafter provided. If any part or parts of that part of Broadway as now laid out shall not be included within the lines of said street as located and established under the provisions of this act, such part or parts shall be closed, and the public use thereof shall be discontinued, and the map or plan of said city shall be changed accordingly.

SEC. 2. When the said Commissioners shall have caused the said certificates and maps to be prepared and filed as above directed, the Corporation Counsel is hereby authorized and required, for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, and for public use, to acquire title, in their name, to the lands required to widen and straighten Broadway in the manner described in said certificates, and shown upon said maps; and for that purpose to apply to the Supreme Court, at any Special Term thereof held in the First Judicial District, for the appointment of three Commissioners of Estimate and Assessment for such widening and straightening of Broadway; and it shall be the duty of the Corporation Counsel to perform all necessary legal services in the proceedings authorized by this act, without any additional compensation beyond the salary and allowances now provided by law. The Commissioners so appointed may assess upon the Mayor, Aldermen, and Commonalty of the City of New York such part of the expense of widening and straightening Broadway as hereby authorized as in their opinion may be just and equitable, provided that such assessment shall not exceed in amount one-third of the total expense of the said improvement; but this limitation shall only apply to the assessment to be made under the authority hereinabove given, and are authorized and directed in their report to the Supreme Court, which shall be made within eight months after their appointment, to designate the time for the actual opening of that part of Broadway so to be widened and straightened. And, immediately after the expiration of the time so designated, all buildings and parts of buildings on the line of said improvement shall be removed; and the said street shall be regulated and graded by the department of the city government having cognizance thereof. The said Commissioners shall make a just and equitable assessment of the loss and damages, if any, over and above the benefit and advantage, or of the benefit and advantage, if

Corporation
Counsel to
acquire title
to lands.

Appoint-
ment of
Commissioners of
Estimate and
Assessment.

Assessment
of expenses
on city.

Time for ac-
tual opening
street, as
widened.

Removal of
buildings.

How regu-
lated and
graded.

Estimate of
damages and
benefits.

District of
assessment
for benefits
and advan-
tages, how
limited.

Rights of
adjacent
owners.

Owners may
acquire title,
&c., to part
of street
closed.

any, over and above the loss and damage, as the case may be, to the respective owners, lessees, parties, and persons respectively entitled unto or interested in the lands and premises required for or affected by the said proceedings, but they shall not make any such estimate and assessment for benefit and advantage upon any lands and premises south of Twenty-third street, nor east of Fifth avenue south of Thirty-sixth street, nor east of Sixth avenue north of Thirty-sixth street, nor north of Eighty-sixth street, nor west of Sixth avenue south of Thirtieth street, nor west of Seventh avenue south of Thirty-fifth street, nor west of Eighth avenue south of Forty-fifth street, nor west of Ninth avenue south of Fifty-fifth street, nor west of Eleventh avenue north of Fifty-fifth street. If any part or parts of Broadway shall be closed under the provisions of this act, any owner of land now fronting on Broadway, abutting on any part so closed, may acquire an exclusive right, title, and interest of, in and to so much of any part so closed as lies between the present front line of the land owned by him, and the line of Broadway as it may be so as aforesaid located and established and two lines respectively drawn at right angles to a line parallel with the Seventh avenue, from the northerly and southerly ends of the present front lines of the land owned by him, upon paying to the Chamberlain of the City of New York, for the Mayor, Aldermen, and Commonalty of the said city the amount of any award by the said Commissioners of Estimate and Assessment, for the discontinuance of the public use of the land such owner is so entitled to acquire, and also paying to the said Chamberlain, for the parties entitled thereto, the amount of any award by the said Commissioners for the reversionary interest in such lands, or any part thereof; and no person shall acquire or be vested with any right, title or interest in or to any such land, until he shall have actually paid to the said Chamberlain the amount of such awards, with interest thereon from the

day of the confirmation of the report of the said Commissioners ; but no award shall be made for the reversionary interest, in case the parties having such interest shall be entitled to acquire the land. All awards to the Mayor, Aldermen, and Commonalty of the City of New York shall be placed, by the Chamberlain, to the credit of the sinking fund of said city ; and any and all other awards shall be paid by him to the parties entitled thereto, provided, however, that the public use of any piece of land for which an award is made for the reversionary interest shall not be discontinued, nor shall that part of the street be held to be closed until the party entitled to the award for the reversionary interest shall, by accepting such award, release his interest in the land for which the award is made. The land acquired under this section shall be liable, proportionately with other land, to be assessed for benefit by this improvement. Nothing in this act contained shall be construed to authorize any alteration of the easterly line of the Sixth avenue.

Payments of
awards.

Easterly line
of Sixth ave-
nue not to be
altered.

SEC. 3. This act shall take effect immediately.

Chap. 689.

AN ACT to establish a Public Place in the City of New York.

Passed May 7, 1869; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Public place
at Ninth
avenue and
Sixty-third
street.

SECTION 1. All the land in the City of New York, bounded westerly by the Ninth avenue, easterly by the road or public drive, and southerly by Sixty-third street, being a triangular piece of land, shall be hereafter known on the map or plan of said city as a public place, in like manner and with the same effect as if the same had been laid out under and by virtue of the act entitled "An act to alter the Map or Plan of certain portions of the City of New York, and for the laying out and improvement of the same," passed April twenty-four, eighteen hundred and sixty-seven, and all the provisions of said act shall be applicable to said public place hereby laid out and established, except that all the damages, expenses and costs connected with the laying out of said public place shall be assessed upon and paid by the property benefited by the laying out of the same.

SEC. 2. This act shall take effect immediately.

Chap. 44.

AN ACT to alter the map or plan of the City of New York.

Passed March 3, 1870; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that part or portion of One Hundred and Thirty-sixth street, in the City of New York, as laid down on the map made by the commissioners appointed by an act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York, and for other purposes," passed April third, eighteen hundred and seven, lying between the easterly line of the new road or drive authorized to be and actually laid out by and under and pursuant to chapter five hundred and sixty-five of the laws of eighteen hundred and sixty-five, and the centre line of the Bloomingdale road as it existed at the time of the enactment aforesaid, is hereby declared to be and is made a public street of the same width and dimensions as fixed by the said commissioners in and by their said map.

Laying out
of 136th
street.

SEC. 2. The Commissioners of the Central Park are hereby authorized and directed, immediately upon the passage of this act, to apply, on behalf of the Mayor, Aldermen, and Commonalty of the City of New York, to the Supreme Court in the First Judicial District, for the appointment of Commissioners of Estimate and Assessment for the opening of said part or portion of said One Hundred and Thirty-sixth street mentioned in the first section of this act, and all laws applicable to the opening of streets

Commission-
ers of the
Central
Park to
apply to
Supreme
Court for
appointment
of commis-
sioners of es-
timate and
assessment.

or avenues in said city, and the acquisition of title to the same now in force, shall apply to all proceedings in regard to the opening and acquiring title to said part or portion of said One Hundred and Thirty-sixth street.

SEC. 3. This act shall take effect immediately.

Chap. 593.

AN ACT in relation to regulating and grading the Eighth avenue, in the City of New York.

Passed May 3, 1870; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Eighth avenue, from Fifty-ninth street to One Hundred and Twenty-second street, shall be regulated, graded, and improved, according to the grades as established by chapter six hundred and thirty-two of the laws of eighteen hundred and sixty-six, as amended by chapter five hundred and eighty of the laws of eighteen hundred and sixty-seven, except that such grades north of Ninety-second street are hereby modified and changed so that the said avenue, north of said street, shall be graded and regulated as follows: Commencing at the intersection of the central line of Ninety-second street with the centre line of the Eighth avenue, at an elevation of one hundred and fifteen feet above the high-water line, and running thence in a straight line along the centre line of said avenue to the intersection of the centre line of One Hundredth street, at such rate of descent as to intersect the same at an elevation eighty-three feet above the high-water line; thence, on a level line along the centre line of said avenue to the intersection of the centre line of One Hundred and Fifth street; thence, on a straight line along the centre line of said avenue to the intersection of the centre line of One Hundred and Tenth street, at such rate of descent as to intersect the same at an elevation fifty feet above the high-water line, and thence on a straight line along the centre line of said avenue to the intersection

Regulating,
grading, and
improving
Eighth ave-
nue, from
59th street
to 122d
street.

Commissioner of Public Works to regulate and grade the Eighth avenue.

of the centre line of One Hundred and Twenty-second street, at such rate of descent as to intersect the same at an elevation of twenty-five feet three inches above the high-water line; and the Commissioner of Public Works shall forthwith proceed to grade and regulate the said avenue according to the grade so established as hereby changed and modified, and shall, within sixty days after the passage of this act, make contracts for such work in the manner directed by said chapter six hundred and thirty-two as so amended, and all the provisions of said chapter six hundred and thirty-two as so amended, and also the provision in chapter eight hundred and fifty-three of the laws of eighteen hundred and sixty-eight relative to the grade of the Eighth avenue, are hereby continued and applied to the said grade as hereby changed and modified, except that the several chapters aforesaid are hereby amended by striking out the words "Street Commissioner" wherever they occur, and inserting in place thereof the words "Commissioner of Public Works," and also by striking out the words "Commissioners of the Central Park" wherever they occur, and inserting in place thereof the words "Commissioners of Public Parks;" and except that the second and third sections of the said chapter six hundred and thirty-two as so amended are hereby repealed. The Commissioner of Public Works shall have power, within six months from and after the passage of this act, to change the grade between the Eighth and Ninth avenues of any streets intersecting the Eighth avenue, between Fifty-ninth street and One Hundred and Twenty-second street, in such manner as will best make such grades conform to the grade of the Eighth avenue, and a map or profile showing such grades as so changed, certified by the said Commissioner, shall, within the said six months, be filed in the office of the Comptroller of the City of New York.

Commissioner of Public Works to change intersecting grades, between Eighth and Ninth avenues.

SEC. 2. This act shall take effect immediately.

Chap. 626.

AN ACT to alter the map or plan of a portion of the City of New York, and for the improvement of the same.

Passed May 5, 1870; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Department of Public Parks shall have and possess exclusive power to lay out and establish, of such width, extent and direction as to them shall seem most conducive to public good, a broad street or avenue, to be designated the "Eastern Boulevard" (or such other name as they shall determine), together with such other streets or avenues as shall be by them deemed proper to connect said boulevard with the Central Park and the East river, or otherwise, and also to widen or otherwise alter, retain or discontinue any avenues or streets now laid out or designated on the map or plan of the City of New York, and also to lay out and establish any public squares or places along the line and contiguous to said boulevard, or otherwise, and also to alter, amend and establish the grades of such new streets or avenues, and to alter or amend the present grades of any street, avenue or road that may be retained by them within that portion of the City of New York which is bounded as follows: Southerly by the northerly side of Fifty-seventh street; westerly by the westerly side of Fifth avenue, from Fifty-seventh street to One Hundred and Tenth street, and by the easterly side of Sixth avenue, from One Hundred and Tenth street to the Harlem river; northerly by the Harlem river; and easterly by the Harlem and East rivers.

Department of public parks to lay out eastern boulevard and other streets and avenues.

Public squares and acres.

Boundary of district.

Power to
enter upon
lands, &c.

SEC. 2. It shall be lawful for the said department, and for all persons acting under their authority, to enter in the day time into and upon all lands, tenements and hereditaments which they shall deem necessary to be surveyed, used or converted for the laying out, opening and forming of any such streets, avenues, roads, public places or squares; and the said department shall, in all cases of laying out streets, avenues, roads, public places and squares, and in the establishment of grades, as in this act provided, cause to be made two similar maps or plans, showing the streets, avenues, roads, public squares and places, which they shall lay out, retain or alter, as aforesaid, showing the location, width and extent of the same, and also two similar maps or plans showing the grades that shall be amended or established by them for the streets, avenues, roads, public squares and places so laid out or retained by them, and the said maps or plans, when so made, shall be certified by one of the officers of the Department of Public Parks, and one of said maps, showing the width, extent and location of the streets, avenues, roads, public squares and places so laid out, established and retained, and one of said maps showing the grades as so amended or established, shall be filed by such officer, and remain of record in the office of the Department of Public Works of said city, and the other shall remain of record in the office of said Department of Public Parks.

Maps, by
whom to be
made, what
to show, and
where to be
filed.

Maps to be
final.

SEC. 3. The maps and plans, when made and filed as aforesaid, shall be final and conclusive, as well in respect to the Mayor, Aldermen, and Commonalty of the City of New York as in respect to the owners and occupants of lands, tenements, and hereditaments within the boundaries aforesaid, and in respect to all other persons whomsoever, with the same intent and effect as if the same had been laid out and established by the commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the City of New York,

and for other purposes," passed April third, eighteen hundred and seven ; and all streets, avenues, roads, public squares, and places, and the grades therefor, heretofore laid out and established within the district mentioned in the first section of this act, which shall not be shown or retained on the maps to be filed by the department as before mentioned, shall, from and after the time of filing of said maps, cease to be or remain public streets, avenues, roads, squares, or places. And the abutting owners on such of said streets, avenues, and roads as have been opened or ceded, and as shall be abandoned or closed under the provisions of this act, shall become and be seized in fee simple absolute therein to the centre line thereof in front of his or their lands respectively, except where such streets, avenues, or roads shall, on said maps, have been retained or taken for other public use, but subject, however, to any existing right of the Mayor, Aldermen, and Commonalty of the City of New York, to maintain and keep in order any sewer, Croton water aqueduct, or pipe, or the appurtenances thereof that may have been constructed in any street, avenue, or road so closed. All damage to any land, or to any building or other structure thereon, existing at the time of the passage of this act, or any street, avenue, or road laid out on the map of the City of New York within the district specified in the first section of this act, by reason of closing such street or altering the grade thereof, shall be ascertained and paid in the manner specified in sections three and four of an act entitled "An act to make permanent the grades of the streets and avenues in the City of New York," passed March fourth, eighteen hundred and fifty-two. And whenever said Department of Public Parks shall deem it proper so to do, they may file maps, plans, or surveys in the manner before provided, showing the streets, avenues, and public squares or places which they have determined to lay out, abandon, close, or retain within any particular section of the district mentioned in the first section of this act, and of the grades

What streets, &c., not to remain streets, &c.

Abutting owners.

Damages, how to be paid.

therefor; and from and after the filing of said maps as afore-said, the powers of said Department of Public Parks to lay out, widen, abandon, close, or alter any street, avenue, road, public square, or place within such section of said district, shall absolutely cease and determine.

Acquisition
of title to
squares,
roads, &c.

Mode of
acquisition.

Who may be
assessed for
benefits.

Duty of Cor-
poration
Counsel.

SEC. 4. The Department of Public Parks, for and in behalf of the Mayor, Aldermen, and Commonalty of the City of New York, are authorized to acquire title for the use of the public to any of the public squares and places, streets, avenues, or roads that may be laid out or retained by them under this act, whenever they shall deem it for the public interest so to do; and such Department shall, for that purpose, make application to the Supreme Court, in the first judicial district, for the appointment of Commissioners of Estimate and Assessment, specifying in such application the lands required for that purpose, and such proceedings to acquire title to such lands shall be had pursuant to such acts as shall then be in force relative to the opening of public squares and places, streets, avenues and roads in the City of New York, except that in such proceedings said Department of Public Parks shall act in lieu and place of the Mayor, Aldermen, and Commonalty of the City of New York; except, also, that the Commissioners of Estimate and Assessment, who may be appointed as herein provided, may assess for such openings all such parties and persons, lands and tenements, as they may deem to be benefited by such improvements to the extent which such commissioners deem such persons, parties, lands and tenements benefited thereby; and it shall be the duty of the Counsel to the Corporation of the City of New York to perform all the legal services required of him in the proceedings authorized by this act, without any additional compensation beyond the salary and allowances now provided by law; and the said eastern boulevard, and also all such public squares and places as shall

be laid out, altered, or retained by the Department of Public Parks as aforesaid, shall, immediately after the same are laid out and opened, be and remain under the control and management of the Department of Public Parks, as to the regulating, grading, paving, sewerage, and otherwise improving and maintaining the same.

Eastern
boulevard
and places
to be under
control of
Department
of Public
Parks.

SEC. 5. The Comptroller of the City of New York is hereby authorized and directed to deposit to the credit of the Department of Public Parks, with such bank or trust company as shall be designated by such Department, such sums of money as said Department shall from time to time require for payment for any work, services, or material furnished under any contract, proceeding, or otherwise, for laying out, opening, regulating, grading, or otherwise improving any street, avenue, road, public square, or place, the construction or maintenance of which, by law, is or shall be under the direction, control, and management of said Department of Public Parks, specifying on what particular work or proceedings said money is required; and, to enable said Comptroller to raise such money and so deposit it, he is hereby authorized and empowered to borrow from time to time, in the name of the Mayor, Aldermen, and Commonalty of the City of New York, by the issue of bonds bearing such rate of interest as he may deem proper, not exceeding seven per cent. per annum, such sum as shall be necessary to pay all expenses incurred or to be incurred as aforesaid; and, whenever such expenses or any part thereof is afterward collected by assessment from the property benefited by such work or works, the proceeds of such assessments, so to be laid and collected for each and every such work or works, are hereby pledged for the redemption of the bonds so to be issued, and the remainder or deficiency necessary for the redemption of said bonds, and the interest thereon, shall be certi-

Duty of
Comptroller
of city.

Comptroller
may issue
bonds, &c.

Tax for
payment
thereof.

fied by said Comptroller to the Supervisors of the County of New York as soon as the same shall be ascertained by him, and be by the said Supervisors included and raised in the then next levy for annual taxes in the City and County of New York, and be applied to the final and full redemption of said bonds, and the interest thereon.

Parts of
certain acts
made appli-
cable.

SEC. 6. All acts and parts of acts now in force in relation to the opening, widening, laying out, grading, regulating, sewerage, and otherwise improving streets, avenues, roads, public squares, and places in the City of New York, and the assessment and collection of the expenses for the same, which are not inconsistent with the provisions of this act, are hereby declared to be applicable to this act, the same as if they were incorporated herein.

Power to
improve
eastern
boulevard
and places.

SEC. 7. Nothing in this act contained shall be construed as in any way authorizing any interference with, or exercise of, any of the powers and duties now conferred by law or ordinance upon the Department of Public Works or the Commissioner thereof, in relation to the regulating, grading, paving, sewerage, curbing, guttering, or flagging of streets, roads and avenues, except as to said "Eastern Boulevard," and the public squares and places laid out or retained under this act, and the powers herein conferred upon said Department of Public Parks shall be deemed only to extend to such "Eastern Boulevard," and public squares and places.

SEC. 8. This act shall take effect immediately.

(From City Charter.)

Chap. 137.

AN ACT to reorganize the local government of the city of New York.

Passed April 5, 1870—three-fifths being present.

ARTICLE FOURTH.

OF THE CO-ORDINATE CITY DEPARTMENTS GENERALLY.

SEC. 29. All the heads of departments hereinafter mentioned, except of the departments of finance and law, shall be appointed by the mayor, as hereinafter provided. Any provision of law giving to the governor power to remove any officer of the city government referred to in this act is hereby repealed. The common council shall have the power of impeachment of the mayor by resolution of two-thirds of all the members elected in each board. The mayor shall have the power of impeaching all heads of departments. In case the mayor shall be impeached, his assent to the resolution shall not be requisite. The court for the trial of impeachments shall be the full court of common pleas of the city and county of New York. It shall be the duty of the said court to define, by rule, the mode of impeachment and trial of charges. If the court decide that the charges are sustained, the office of the impeached officer shall become vacant.

Heads of Departments appointed by Mayor.

Impeachment.

Depart-
ments.

SEC. 30. There shall be the following other departments in said city :

Finance Department.

Law Department.

Police Department.

Department of Public Works.

Department of Public Charities and Correction.

Fire Department.

Health Department.

Department of Public Parks.

Department of Buildings.

Department of Docks.

Departments
to report to
the Mayor.

SEC. 31. The said departments shall, at such times as the mayor may direct, make to him, in such form and under such rules as he may prescribe, reports of the operations and action of the same and each of them, and shall always, when required by him, furnish to him such information as he may demand within such time as he may direct.

Heds of
Departments
to appoint
Chiefs of
Bureaus and
others, and
fix salaries.

SEC. 32. The heads of all departments, except as otherwise specifically directed herein, shall have power to appoint and remove all chiefs of bureaux (except the chamberlain), as also all clerks, officers, employés, and subordinates, in their respective departments. The number of all officers, clerks, employés, and subordinates in every department, except the police and fire departments, with their respective salaries or compensation, shall be such as the head of each department shall designate and approve, except that the aggregate expense thereof shall not exceed the total amount duly appropriated by law to each department for such purposes.

ARTICLE TWELFTH.

OF THE DEPARTMENT OF PUBLIC PARKS.

SEC. 94. The department of public parks shall control and manage all public parks and public places above Canal street, which are of the realty of the city of New York.

SEC. 95. This department shall be under the charge of a board, to consist of five members, who shall be appointed by the mayor, and shall respectively hold office for terms of five years.

SEC. 96. All provisions of law which provide for the maintenance and government of the Central Park, or grant powers and devolve duties upon, or award allowance for carriage-hire to, the commissioners of the Central Park, or provide salary to the comptroller of said park, shall apply to the department of parks hereby established, and to the commissioners and comptroller thereof respectively.

(City Tax Levy.)

Chap. 833, Laws of 1870.

AN ACT to make further provision for the government of the city of New York.

Passed April 26, 1870; three-fifths being present.

DEPARTMENT OF PUBLIC PARKS.

(Extract from Section 1.)

Maintenance
of Central
Park.

Maintenance and government of Central Park, two hundred and fifty thousand dollars; maintenance and government of Central park, for arrears for year eighteen hundred and sixty-nine, twenty-seven thousand three hundred and fifty-seven dollars and eight cents; maintenance of museum and observatory, thirty thousand dollars; for improvement of Mount Morris square, fifteen thousand dollars; for improvement of Mount Morris square, for arrears for year eighteen hundred and sixty-nine, one thousand three hundred and fifty-six dollars and fifty cents; west line of Central park, adapting same to line of Eighth avenue, twenty-five thousand dollars; for parks and places, ninety-five thousand dollars.

Improvement
of
Mount Morris
square.

Provision for
the payment
of Bonds
issued for
improving
Public place,
&c.

For redeeming and cancelling the bonds of the mayor, aldermen, and commonalty of the city of New York, issued by the comptroller of said city, under the provisions of chapter six hundred and ninety-seven, laws of eighteen hundred and sixty-seven, for improving the public place, circular in form, at the intersection of the Eighth avenue and Fifty-ninth street, in said city,

forty thousand dollars and for the completion of said public place, the further sum of ten thousand dollars.

SEC. 15. No member of the board of the department of public parks, shall receive any salary or other compensation for his services in any capacity connected with said department.

Members of Board not to receive salary.

The said department of parks is hereby directed to perfect the Boulevard on the southerly side of the Central park, in Fifty-ninth street, by removing therefrom the railway tracks of the North, East, and Central Park Railroad Company; and permission is hereby given to said company to lay double tracks, in lieu of tracks so removed in Fifty-eighth street, to connect suitably with their other tracks, now laid in the Eleventh and First avenues.

Fifty-ninth street railroad tracks to be removed.

The road or public drive laid out on the map or plan of the city of New York, by the commissioners of the Central park, pursuant to the provisions of chapter five hundred and sixty-five, laws of eighteen hundred and sixty-five, shall thereafter be known as "The Boulevard," and shall be wholly under the care, management, and control of the department of public parks; and as to the use thereof, the said department shall have, possess, and enjoy all the powers now or hereafter possessed, enjoyed, or exercised by said commissioners, in respect to the Central park, in said city.

The Boulevard to be under the control of Department of Public Parks.

SEC. 16. All parks and public grounds, south of Canal street, shall hereafter be under the control and management of the department of public parks; and nothing in any act contained shall be deemed, construed, or taken to abrogate or impair any powers or duties conferred on the said department of public

Parks south of Canal street.

Powers of
Central Park
Commissioners con-
ferred upon
the Depart-
ment of
Public
Parks.

Estimate
for main-
tenance,
govern-
ment, im-
provement,
&c.

parks, by virtue of article twelve, of chapter one hundred and thirty-seven, laws of one thousand eight hundred and seventy; and all acts conferring powers and devolving duties upon the board of commissioners of the Central park are hereby transferred to and conferred upon the said department of public parks; but no action of the board composing said department shall be deemed final or binding unless it shall have received the approval of a majority of the said board, whose names shall be recorded in its minutes. The department of public parks is hereby authorized to include in the estimate, which said department is authorized to make for money required for the maintenance and government of the Central park, such further sum as may be annually required, for the maintenance, government, and improvement of the several parks, roads, and avenues under the control of said department.

Chap. 385.

AN ACT to regulate the hours of labor of mechanics, workingmen, and laborers in the employ of the state, or otherwise engaged on public works.

Passed April 26, 1870.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. On and after the passage of this act, eight hours shall constitute a legal day's work for all classes of mechanics, workingmen, and laborers, excepting those engaged in farm and domestic labor, but overwork for an extra compensation by agreement between employer and employee, is hereby permitted.

Eight hours
a day's work.

SEC. 2. This act shall apply to all mechanics, workingmen, and laborers now or hereafter employed by the state or any municipal corporation therein, through its agents or officers, or in the employ of persons contracting with the state or such corporation for performance of public works.

Act to apply
to all me-
chanics, &c.

SEC. 3. Any officer or officers, or agents of this state or of such corporation, who shall openly violate or otherwise evade the provisions of this act, shall be deemed guilty of malfeasance in office, and be liable to suspension or removal accordingly by the governor or head of the department to which such officer is attached.

Penalty for
violation of
law.

Violation of
law a misde-
meanor, and
punished by
fine.

SEC. 4. Any party or parties contracting with the state or any such corporation, who shall fail to comply with, or secretly evade the provisions hereof, by exacting and requiring more hours of labor, for the compensation agreed to be paid per day, than is herein fixed, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not less than one hundred nor exceeding five hundred dollars, and in addition thereto, shall forfeit such contract, at the option of the state.

SEC. 5. Chapter eight hundred and fifty-six of the laws of eighteen hundred and sixty-seven, entitled "An act to limit the hours of labor constituting a day's work to eight hours," passed May ninth, eighteen hundred and sixty-seven, is hereby repealed.

SEC. 6. This act shall take effect immediately.

Chap. 805.

AN ACT, making certain alterations in the map or plan of the city of New York.

Passed May 31, 1870; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The streets designated on the map or plan of the city of New York as Fifty-second, Fifty-third, and Fifty-fourth streets shall be extended westwardly from the Eleventh avenue and continued in a straight line to the North or Hudson river.

SEC. 2. The commissioners of the department of public parks are hereby authorized and directed, in behalf of the mayor, aldermen, and commonalty of the city of New York, and for public use, within three months after the passage of this act, to apply by petition to the supreme court at any special term thereof held in the first judicial district, for the appointment of commissioners of estimate and assessment for the opening and extending of said streets as hereby provided; and all the laws now in force relative to the opening of streets in the city of New York not inconsistent with this act shall be applicable to the proceeding had relative to opening and extending of said streets; and it shall be the duty of the counsel to the corporation of the city of New York to perform all the legal services required of him in the proceeding authorized by this act, without any additional compensation beyond the salary and allowance now provided by law. The assessment for each opening and extending

shall, upon confirmation of the report of the commission of estimate, become a lien upon the lands assessed, and such assessments may be collected and be enforced in the manner now provided by law relative to assessments for opening streets in said city.

SEC. 3. The final report of the commissioners of estimate and assessment herein authorized to be appointed, shall be presented to a special term of the supreme court of the first judicial district for confirmation, within six months after their appointment; and in case of a failure to make such report within such time; they and each of them shall not be entitled to receive any fees or compensation for his or their services as such commissioner or commissioners of estimate and assessment.

SEC. 4. All acts or portions of acts, so far as they conflict with the provisions of this act, are hereby repealed.

SEC. 5. This act shall take effect immediately.

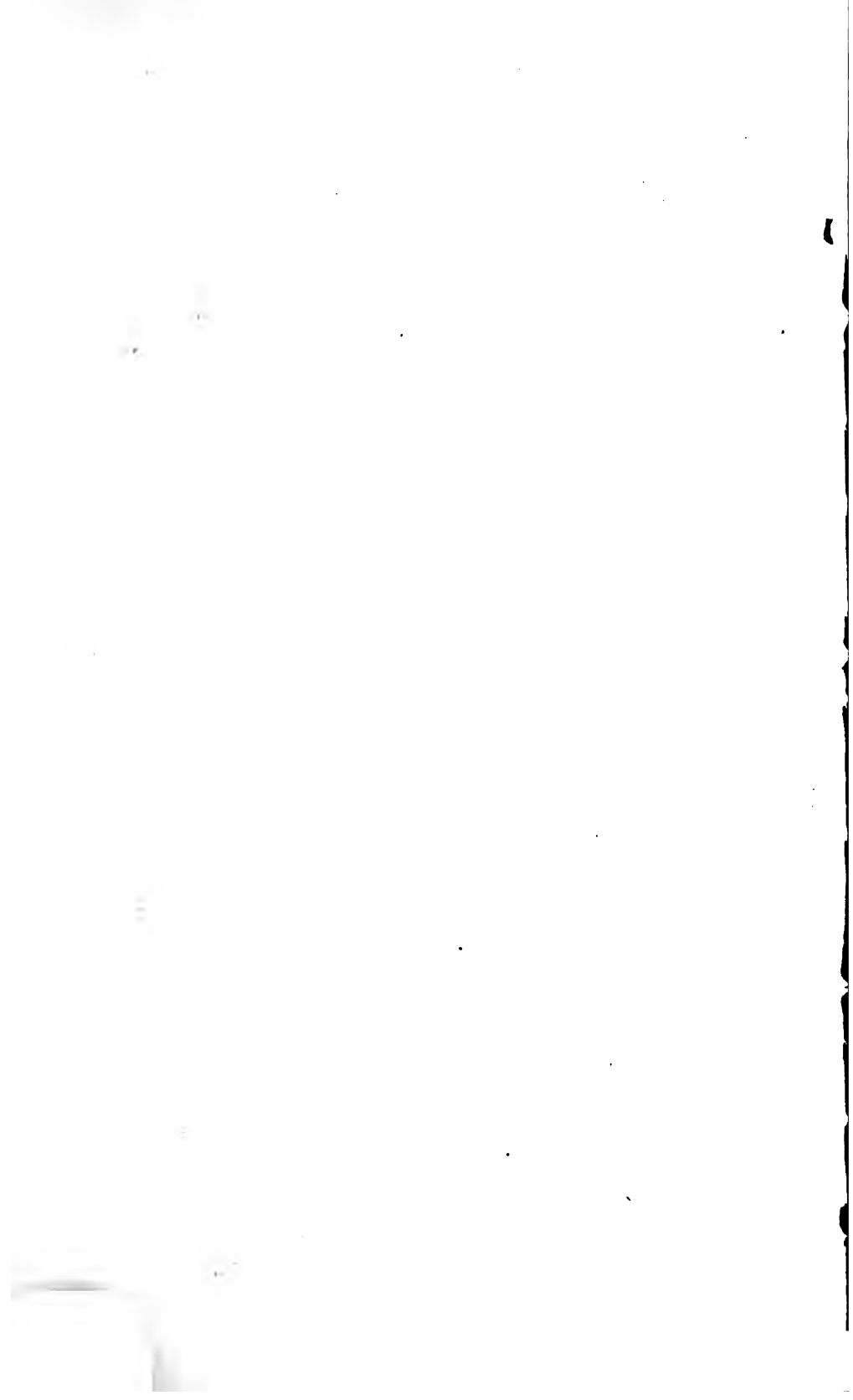
STATUTES OF 1870,

RESPECTING

The Government of the City of New York,

BEING THE

STATUTE COMMONLY CALLED THE "CHARTER,"
AS IT WAS AMENDED OR EXTENDED BY
THE LATER STATUTE, COMMONLY
CALLED THE "TAX LEVY."



Chap. 137.

AN ACT to reorganize the local government of the city of New York.

Passed April 5, 1870; three-fifths being present.

As amended by an act entitled "An act to make further provision for the government of the city of New York," passed April 26, 1870; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

ARTICLE FIRST.

The Corporate Powers.

SECTION 1. The corporation now existing and known Corporate name. by the name of "The Mayor, Aldermen, and Commonalty of the city of New York," shall continue to be a body politic and corporate, in fact and in name, by the same name, and shall have perpetual succession with all the grants, powers and privileges heretofore held by the mayor, aldermen, and commonalty of the city of New York, and not modified, or repealed by the provisions hereinafter made by this act.

ARTICLE SECOND.

Of Legislative Power.

Legislative
power how
vested.

SEC. 2. The legislative power of the said corporation shall continue to be vested in a board of aldermen, and a board of assistant aldermen, who together shall form the common council of the city of New York.

Aldermen
how elect-
ed.

SEC. 3. The board of aldermen shall consist of fifteen members, to be elected upon a general ticket from the city at large.

Assistant
aldermen
how elect-
ed.

SEC. 4. The board of assistant aldermen shall consist of one assistant alderman, to be elected in each assembly district.

SEC. 5. Such aldermen and assistant aldermen shall be elected as hereinafter provided.

First elec-
tion of
aldermen
and assis-
tant alder-
men.

SEC. 6. The first election for aldermen and assistant aldermen shall take place at the judicial election, to be held in the city and county of New York, on the third Tuesday in May, in the year eighteen hundred and seventy, and the aldermen and assistant aldermen then elected shall take office on the first Monday in June following, at noon, and then supersede the common coun-

Present
boards,
when
suspended.

cil now in office, whose terms of office shall then end.

The aldermen and assistant aldermen so elected in May, eighteen hundred and seventy, shall hold office until the first Monday in January, which will be in the year eighteen hundred and seventy-two. There shall be aldermen and assistant aldermen elected at the general election in November, eighteen hundred and seventy-one, and annually thereafter at every succeeding general election, who shall take office at noon on the first Monday of January in each and every year following their election. All the provisions of law relating to the judicial election to be held in May, eighteen hundred and seventy, in so far as they are applicable, shall apply to the first election under this act for such aldermen and assistant aldermen, and all the provisions of law relating to general elections in the city of New York, so far as they are applicable in respect to the manner of conducting elections and the canvass and estimate of votes, shall apply to every succeeding election for aldermen and assistant aldermen.

Term of office of aldermen and assistant aldermen.

Sec. 7. Each board of the common council shall have power to direct a special election to be held to supply the place of any member whose seat shall become vacant, and the person elected to supply such vacancy shall hold his seat for the residue of the term of his immediate predecessor.

Vacancies, special election to fill.

Quorum. SEC. 8. The boards shall meet in separate chambers, and a majority of each shall be a quorum.

**Organization
powers of
common
council.**

SEC. 9. Each board shall

1. Choose a president from its own members ;
2. Appoint a clerk and other officers ;
3. Determine the rules of its own proceedings ;
4. Be the judge of the returns of election, and the right of election and qualifications of its own members ;
5. Keep a journal of its proceedings ;
6. Sit with open doors, except when the public welfare shall require secrecy ; and
7. Shall have authority to compel the attendance of absent members ; and to punish its members for disorderly behavior ; and to expel a member with a concurrence of two-thirds of the members elected to the board.

**Effect of
expulsion.**

SEC. 10. Every member expelled from either board shall thereby forfeit all his rights and power as an alderman or assistant alderman.

Meetings.

SEC. 11. The stated and occasional meetings of each board shall be regulated by its own resolutions and rules, and both boards may meet at the same time, or on different days, as they may severally judge expedient.

SEC. 12. Every legislative act of the common council shall be by resolution or ordinance, and every ordinance or joint resolution shall, before it shall take effect, be presented, duly certified, to the mayor for his approval.

Legislative
acts.

SEC. 13. The mayor shall return such ordinance or resolution to the board in which it originated, within ten days after receiving it, or at the next meeting of such board.

Mayor to
return
to board
originating.

SEC. 14. If he approve it, he shall sign it. If he disapprove, he shall specify his objections thereto. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it.

Approval or
disapproval.

SEC. 15. Such objections of the mayor shall be entered at large on the journal of the board to which they are sent.

Objections
entered in
journal.

SEC. 16. The board to which such ordinance or resolution shall have been returned with objections, shall, after the expiration of not less than ten days thereafter, proceed to reconsider the same, and if, on reconsideration, it shall pass both boards by a vote of at least three-fourths of all the members elected to each board, it shall take effect. In all such cases the votes shall be taken by ayes and noes, and the names of the persons voting for or

Proceedings
on.

against its passage on such reconsideration shall be entered on the journal of each board.

Ordinances
to receive
assent of
both boards.

SEC. 17. No ordinance or resolution shall be valid unless it shall receive the assent of both boards within the term fixed by law to such boards.

May originate in either.

A majority
vote required
in all cases.

Three-fourth
vote re-
quired for
expendi-
tures.

Four-fifth
vote required
for celebra-
tions, &c.

Unanimous
vote required
for
additional
allowances.

Clerks of
each board.

SEC. 18. Any ordinance or resolution may originate in either board, and when it shall have passed one board may be rejected or amended in the other, but no ordinance or resolution shall be passed except by a vote of the majority of all the members elected to each board. But in case any ordinance or resolution involves the expenditure of money, the votes of three-fourths of all the members elected to each board shall become necessary to its passage. No money shall be expended for any celebration, procession, or entertainment of any kind, or on any occasion, unless by the votes of four-fifths of all the members elected to each board. No additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the common council except by the unanimous vote thereof.

SEC. 19. The clerk of the board of aldermen shall, by virtue of his office, be clerk of the common council, and shall perform all the duties heretofore performed by the

clerk of the common council, except such as shall be assigned to the clerk of the board of assistant aldermen; and it shall be his duty to keep open for inspection, at all reasonable times, the records and minutes of the proceedings of the common council, except such as shall be specially ordered otherwise. The clerk of each board shall appoint and remove at pleasure deputy clerks in his department, not to exceed the number now authorized by law or ordinance. The clerk of the common council shall keep the seal of the city; and his signature shall be necessary to all leases, grants and other documents, as under existing laws.

Powers and
duties of.

SEC. 20. It shall be the duty of the clerks of the respective boards to publish all resolutions and ordinances and amendments thereof which shall be introduced or passed, and also the final proceedings, except such parts as may require secrecy; and no vote shall be taken in either board upon the passage of a resolution or an ordinance which shall contemplate any specific improvement, or involve the sale, disposition, or appropriation of public property, or the expenditure of public moneys or income therefrom, or lay any tax or assessment, until after such notice shall have been published at least three days, and whenever any vote shall be taken, such resolution or ordinance shall, before the same shall be sent to the other

Ordinances,
&c., to be
published.

Notice of to
be published
before vote
on.

Yeas and
nays on to be
published.

board, or to the mayor, and, immediately after the adjournment of the board at which the same shall have been passed, be published with the yeas and nays, and with the names of the persons voting for and against the same as part of the proceedings; and no resolution or ordinance which shall have passed one board shall be acted upon by the other board on the same day.

Jurisdiction
of common
council to
pass ordi-
nances.

SEC. 21. The common council shall have power to make, continue, modify, and repeal such ordinances, regulations, and resolutions, as may be necessary to carry into effect any and all of the powers now vested in, or by this act conferred upon, the corporation, and shall have power to enforce obedience thereto and observance thereof, by ordaining penalties for each and every violation thereof, in such sums as it may deem expedient, not exceeding one hundred dollars. And shall have power to make such ordinances and with such penalties, in the matters and for the purposes following, in addition to other powers elsewhere specially granted, viz. :

1. To regulate traffic and sales in the streets, highways, roads, and public places.
2. To regulate the use of the streets, highways, roads, and public places by foot passengers, vehicles, railways, and locomotives.

3. To regulate the use of sidewalks, building-fronts, Powers of
common
council. and house-fronts within the stoop lines,

4. To prevent and remove encroachments upon and obstructions to the streets, highways, roads, and public places.

5. To regulate the opening of street surfaces, the laying of gas or water mains, the building and repairing of sewers, and erecting gaslights.

6. [To provide for and regulate the opening, widening and extending of streets below Fourteenth street. *This subdivision repealed by section 30, chap. 383, laws of 1870.*]

7. To regulate the numbering of the houses and lots in the streets and avenues, and the naming of the streets, avenues, and public places.

8. To regulate and prevent the throwing or depositing of ashes, offal, dirt, or garbage in the streets,

9. To regulate the cleaning of the streets, sidewalks, and gutters, and removing ice, hail, and snow from them.

10. To regulate the use of the streets and sidewalks for signs, signposts, awnings, awning-posts, and horse-troughs.

11. To provide for and regulate street pavements, cross-walks, curbstones, gutter-stones, and sidewalks.

12. To regulate public cries, advertising-noises, and ringing bells in the streets.

13. In regard to the relation between all the officers

Powers of
common
council.

and employés of the corporation in respect to each other, the corporation and the people.

14. In relation to street beggars, vagrants, and mendicants.

15. In relation to the use of guns, pistols, firearms, firecrackers, fireworks, and detonating works of all descriptions within the city.

16. In relation to intoxication, fighting, and quarrelling in the streets.

17. In relation to places of public amusement.

18. In relation to exhibiting or carrying banners, placards, or flags in or across the streets or from houses.

19. In relation to the exhibition of advertisements or handbills along the streets.

20. In relation to the construction, repairs, and use of vaults, cisterns, areas, hydrants, pumps, and sewers.

21. In relation to partition fences and walls.

22. In relation to the construction, repair, care, and use of markets, [docks, wharves, piers and slips. *These words repealed by provisions of chap. 383, laws of 1870, relating to department of docks.*]

23. In relation to the licensing and business of public cartmen, truckmen, hackmen, cabmen, expressmen, boat-

men, pawnbrokers, junkdealers, hawkers, pedlers, and venders. Powers of common council.

24. In relation to the inspection and sealing of weights and measures, and enforcing the keeping and use of proper weights and measures by venders.

25. In relation to the inspection, weighing and measuring of firewood, coal, hay, and straw, and the cartage of the same.

26. In relation to the mode and manner of suing for, collecting and disposing of the penalties provided for a violation of all ordinances.

27. And for carrying into effect and enforcing any of the powers, privileges, and rights at any time granted and bestowed upon or possessed by the said corporation. •

SEC. 22. The common council shall have no power to impose taxes or assessments, or borrow money, or contract debts, or loan the credit of the city, unless specially authorized so to do by act of the legislature, and all the legislative power of the city shall be subordinate to and be exercised in conformity with such special grants, restrictions, or limitations, as are now or hereafter may be prescribed by the legislature. Restriction on powers of common council.

ARTICLE THIRD.

Of the Executive Power.Executive
power.

SEC. 23. The executive power of the corporation shall be vested in the mayor and the departments herein created.

Mayor, elec-
tion and
term of of-
fice of.

SEC. 24. The mayor shall be the chief executive officer of the corporation; shall be elected at a general election, and hold his office for the term of two years, commencing on the first day of January next after his election. The first election for mayor shall be at the general election in November, in the year eighteen hundred and seventy.

Acting
mayor, who
to be.

SEC. 25. Whenever the mayor shall be under impeachment or there shall be a vacancy in the office of the mayor, or whenever by sickness, absence from the city, or other cause, he shall be prevented from attending to the duties of his office, the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor, except as hereinafter provided in regard to appointments to office during such disability, or, in case of a vacancy, until the next general election. But it shall not be lawful for the president of the board of aldermen, when acting as mayor, to sign or approve of any ordinance or resolution of the common council, unless the sickness, disability or absence of the mayor shall have continued at least ten days.

Power of
acting
mayor.Restrictions
on.

SEC. 26. Whenever there is a vacancy in the office of mayor before the expiration of a term, there shall be an election for mayor at the next general election, and the person then elected shall hold for the full term of two years from the first day of January next ensuing.

Vacancy
in office of
mayor—how
filled and
term of of-
fice.

SEC. 27. It shall be the duty of the mayor:

Duties of
mayor.

1. To communicate to the common council, at least once a year, a general statement of the finances, government, and improvements of the city.

2. To recommend to the common council all such measures connected with the security, health, cleanliness, and ornament of the city, and the protection and improvement of its government and finances, as he shall deem expedient.

3. To be vigilant and active in causing the ordinances of the city and laws of the state to be executed and enforced, and for that purpose may call together for consultation and co-operation all other heads of the city departments.

4. And generally to perform all such duties as may be prescribed for him by city ordinances and the laws of the state, and to be responsible for the good order and efficient government of the city.

Mayor to
appoint
clerks, &c.

SEC. 28. The mayor may appoint such clerks and subordinates as he may require to aid him in the discharge of his official duties.

ARTICLE FOURTH.

Of the Co-ordinate City Departments generally.

Heads of de-
partments,
how appoint-
ed.

SEC. 29. All the heads of departments hereinafter mentioned, except of the departments of finance and law, shall be appointed by the mayor, as hereinafter provided.

Impeach-
ment of
mayor and
heads of
departments.

Any provision of law giving to the governor power to remove any officer of the city government referred to in this act is hereby repealed. The common council shall have the power of impeachment of the mayor by resolution of two-thirds of all the members elected in each board. The mayor shall have the power of impeaching all heads of departments. In case the mayor shall be impeached his assent to the resolution shall not be requisite.

Trial of.

The court for the trial of impeachments shall be the full court of common pleas of the city and county of New York. It shall be the duty of the said court to define, by rule, the mode of impeachment and trial of charges. If the court decide that the charges are sustained, the office of the impeached officer shall become vacant.

SEC. 30. There shall be the following other departments Co-ordinate departments.
in said city:

Finance Department.

Law Department.

Police Department.

Department of Public Works.

Department of Public Charities and Correction.

Fire Department.

Health Department.

Department of Public Parks.

Department of Buildings.

Department of Docks.

[*A board of street openings is added by sec. 30, chap. 383, laws of 1870.*]

SEC. 31. The said departments shall, at such times as To report to Mayor. the mayor may direct, make to him, in such form and under such rules as he may prescribe, reports of the operations and action of the same and each of them, and shall always, when required by him, furnish to him such information as he may demand within such time as he may direct.

SEC. 32. The heads of all departments, except as otherwise specifically directed herein, shall have power to Heads of, to appoint subordinates. appoint and remove all chiefs of bureaux (except the

Expenses of,
to be limited
by law.

chamberlain), as also all clerks, officers, employés, and subordinates, in their respective departments. The number of all officers, clerks, employés, and subordinates in every department, except the police and fire departments, with their respective salaries or compensation, shall be such as the head of each department shall designate and approve, except that the aggregate expense thereof shall not exceed the total amount duly appropriated by law to each department for such purposes.

ARTICLE FIFTE.

Of the Finance Department.

Finance de-
partment,
powers and
duties of.

SEC. 33. The finance department shall have control of all the fiscal concerns of the corporation, and of the appropriations made for carrying on the business of the corporation. It shall prescribe the forms of keeping and rendering all city accounts, and the manner in which all salaries shall be drawn, and the mode by which all creditors, officers, and employés of the corporation shall be paid.

Accounts
of other de-
partments.

SEC. 34. All accounts rendered to or kept in the other departments shall be subject to the inspection and revision of the officers of this department; and it shall settle and adjust all claims in favor of or against the cor-

poration, and all accounts in which the corporation is concerned as debtor or creditor.

Sec. 35. The chief officer of this department shall be Comptroller. called the comptroller of the city of New York [who shall be elected at the general election preceeding the expiration of his term of office, and hold his office for the term of four years. *Repealed by sec. 31, chap. 383, laws of 1870.*]

Sec. 36. [In the case of a vacancy in the office of the comptroller, the mayor shall appoint some person to fill the place until the first Monday of January next after the next general election, at which election there shall be an election of comptroller for the full term of four years from said first Monday in January. *Repealed by sec. 31, chap. 383, laws of 1870.*]

§ 31. [*Of chap. 383, laws of 1870.*] The comptroller Appoint-
ment. of the city of New York shall hereafter be appointed by the mayor elected for said city, and not by an acting mayor, as other heads of departments are appointed [under the provisions of the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy], and shall hold his office for the Term of
office. period of four years, as now provided, except that the

person first appointed under this authority shall hold his office until the first day of January, eighteen hundred and seventy-five, subject to the provisions of the said act. The term of office of the present comptroller of said city shall end at the expiration of five days from the passage of this act. The mayor shall make the first appointment herein provided for within five days from the passage of this act. Any provision of law inconsistent with this section is hereby repealed.

SEC. 37. There shall be the following bureaux in this department :

Bureau for
collection
of rents, &c.

1. A bureau for the collection of the revenue accruing from rents, and interest on bonds and mortgages, revenue arising from the use or sale of property belonging to or managed by the city ; the chief officer of which bureau shall be called the "Collector of City Revenue."

For collec-
tion of taxes.

2. A bureau for the collection of taxes ; the chief officer of which shall be called the "Receiver of Taxes," and he shall have all the powers and perform all the duties heretofore prescribed by law for the receiver of taxes.

For collec-
tion of
arrears.

3. A bureau for the collection of arrears of taxes, assessments, and water rents ; the chief officer of which shall be called "Clerk of Arrears."

4. An auditing bureau, which shall audit, revise, and settle all accounts in which the city is concerned as debtor or creditor, and which shall keep an account of each claim for or against the corporation, and of the sums allowed upon each, and certify the same to the comptroller, with the reasons for the allowance; the chief officer of which shall be called "Auditor of Accounts." For auditing accounts.

5. A bureau of licenses; the chief officer of which shall be called "Register of Licenses." Of licenses.

6. A bureau of markets; the chief officer of which shall be called "Superintendent of Markets." Of markets.

7. A bureau for the reception of all moneys paid into the treasury of the city, and for the payment of money on warrants drawn by the comptroller and countersigned by the mayor; the chief officer of which shall be called the "Chamberlain." Chamberlain.

SEC. 38. The chamberlain shall keep books showing the amounts paid on account of the several appropriations, and no warrants shall be paid on account of any appropriation after the amount authorized to be raised by tax for that specific purpose shall have been expended. Any vacancy in the office of chamberlain shall be filled by the mayor for the term now designated by law. Duties of.
Vacancy,
how filled.

Vouchers for
expendi-
tures.

SEC. 39. All moneys drawn from the city treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the auditor, and approved by the comptroller, and filed in his office.

ARTICLE SIXTH.

Of the Law Department.

Law depart-
ment, duties
of.

SEC. 40. The law department shall have the charge and conduct of all law business of the corporation and of its departments, except when any department shall have or employ a separate attorney or counsel, and for whom there is an appropriation, and all other law business in which the city shall be interested; the charge and conduct of the legal proceedings necessary in widening, opening, or altering streets; and shall, whenever so applied to by the comptroller, draw the leases, deeds, and other legal papers connected with the finance department.

Corporation
counsel.

SEC. 41. The chief officer of the department shall be called "Counsel to the Corporation." [He shall be elected at a general election and hold his office for four years. *These words repealed by sec. 1, chap. 383, laws of 1870.*]

SEC. 42. There shall be a bureau in this department, the chief officer of which shall be called the "Corporation Attorney," and a bureau, the chief officer of which shall be called the "Public Administrator."

Corporation attorney.

Public administrator.

§ 1. [*Of chap. 383, laws of 1870.*] * * * The Salaries. counsel to the corporation and the corporation attorney shall receive an annual salary, to be fixed by the comptroller, not exceeding the annual compensation paid to the recorder of said city, and it shall not be lawful for the said attorney to dismiss any action or complaint, unless the costs thereon are paid, or unless the said attorney shall sign and file in his office a certificate expressing the reason therefor. The term of office of the present incumbent of the office of corporation counsel is hereby confirmed, and continued until the first day of January, one thousand eight hundred and seventy-three, being the end of the term of four years from time of his election. Hereafter the counsel to the corporation shall be appointed by the mayor, [pursuant to the provisions of the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, one thousand eight hundred and seventy.] Any provision of law inconsistent herewith is hereby repealed.

Dismissal of action.

Term of present corporation counsel.

To be appointed hereafter.

ARTICLE SEVENTH.

The Police Department.Police
department.

SEC. 43. The department of police shall consist of a board of police composed of four commissioners, and said board shall be the head of said department. The

Commission-
ers, appoint-
ment and
term of
office.

commissioners shall be first appointed for respective terms of eight, seven, six, and five years. For vacancies occurring, or for terms succeeding expiration of office, the term of office to each commissioner shall be eight years. Each

Salary of.

member of the board of police shall receive an annual salary equal to the salary designated to the recorder of the city of New York.

Police force,
how
appointed.

SEC. 44. [*As amended by sec. 21, chap. 383, laws of 1870.*] The police force shall be appointed by said

What
composed of.

board and shall be composed of a superintendent, three inspectors, and as many captains of police sergeants of police, patrolmen, and doormen of police, and as many surgeons, clerks and employes of the police as the board of police may, from time to time, determine, not exceeding the respective numbers authorized by law, for duty in the city of New York, under appointment from the board of metropolitan police, and the additional authority con-

ferred from time to time. The board of police shall ^{Fire marshal.} have the power to appoint a fire marshal, chief clerk, and assistant clerk, who shall hold office during the pleasure of the board, and such board, marshal and clerks shall have the like powers and perform the like duties as those provided by chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-eight, so far as they are applicable to the city of New York, and the compensation of such marshal ^{Salary.} and clerks shall be the same as now fixed in and by said acts.

SEC. 45. All members of the police force (except the ^{Removal only on charges.} superintendent) shall be removable only after written charges shall have been preferred against them; and after the charges shall have been examined into, after such kind of notice to the person charged, and in such manner of examination as the rules and regulations of the board of police may prescribe. The superintendent, ^{Certain officers of, removable at pleasure.} surgeons, clerks, and employes shall be appointed and removed at pleasure by the board of police.

SEC. 46. The government and discipline of the police ^{Government of.} department shall be such as the board may, from time to time, by rules and regulations, prescribe.

SEC. 47. Every person connected with the metropolitan

Metropolitan
police to be
transferred.

police department at the time this act shall take effect, and designated to do duty in the city of New York, and except as otherwise herein ordered, shall continue in office, and be transferred by operation of this act to the department herein created, and the amount of salary or compensation now paid to such person, in the metropolitan police district, shall be the salary and compensation fixed for his transferred office under this act.

Salaries of.

Who eligible.

SEC. 48. No person shall ever be appointed to membership in the police force, or continue to hold membership therein, who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot read and write understandingly in the English language, or who shall not have resided within the state during one year next preceding his appointment.

Special
police.

SEC. 49. [*As amended by sec. 22, chap. 383, laws of 1876.*] The board of police may, upon any emergency, or apprehension of riot, tumult, mob, insurrection, pestilence, or invasion, appoint as many special patrolmen, without pay, from among the citizens, as it may deem desirable, and may demand the assistance of the military of the first division, or of any brigade, regiment, battalion, or company thereof, by order, in writing, served upon the commanding

May demand
military
assistance.

officer of such division, brigade, regiment, battalion, or company; and it shall be the duty of the commanding officer so served, to order out, in aid of the civil authorities, the military force, or any part thereof, under his command.

SEC. 50. During the service of any special patrolmen authorized as aforesaid; he shall possess all the powers, privileges, and perform all the duties that may be by orders, rules, and regulations from time to time prescribed. Every such special patrolman shall wear a badge, to be prescribed and furnished by the board of police.

Powers of special police.

Badge.

SEC. 51. No member of the police force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign, except by permission of the board of police. Unexplained absence, without leave, of any member of the police force, for five days, shall be deemed and held to be a resignation by such member, and accepted as such.

Resignation of police restricted.

Penalty for absence of.

SEC. 52. The common council shall provide such office and business accommodations, station-houses, apparatus and articles, as the department of police shall deem requisite for the transaction of the business of the police department, and shall duly make requisition for.

Station houses, &c., to be provided.

Powers of
board of
police.

SEC. 53. The board of police shall have power to issue subpoenas, tested in the name of its president, to compel the attendance of witnesses upon any proceedings authorized by its rules and regulations. Each commissioner of police, or the chief clerk, are hereby authorized and empowered to administer affirmations and oaths to any persons summoned and appearing in any matter or proceeding, authorized as aforesaid, or to take any depositions necessary to be made under the orders, rules, and regulations of the board of police, or for the purposes of this act. Any wilful and corrupt false swearing, by any witness or person, to any material fact in any necessary proceeding under the said orders, rules, and regulations, or under this act, shall be deemed perjury, and punished in the manner now prescribed by law for such offense. The provisions and procedure of section three of an act, entitled "An Act to enable the common council of the city of New York to take testimony in matters referred for investigation or inquiry," passed February eighth, eighteen hundred and fifty-five, are hereby applied to the case of any witness subpoenaed under this section.

May admin-
ister oaths.

Penalty for
false swear-
ing.

May estab-
lish stations,
&c.

SEC. 54. The board of police may, from time to time, but with especial reference to locating the same as centrally in precincts as possible, establish stations and station-houses, or sub-stations and sub-station houses, at least one to each

precinct, for the accommodation thereof of members of the police force, and as places of temporary detention for persons arrested, and property taken within the precinct.

SEC. 55. The board of police are empowered, in their discretion, to enact, modify, and repeal, from time to time, orders, rules, and regulations of general discipline of the subordinates under their control, but in strict conformity to the provisions of this article.

May make rules.

SEC. 56. The members of the police force shall possess in the city of New York, and in every part of this state, all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest, issued by any magistrate of this state, may be executed in any part thereof, by any member of the police force, and all the provisions of sections seven, eight, and nine, of chapter two, title two, part four of the revised statutes, in relation to the giving and taking of bail, shall apply to this act.

Powers of police.

Execution of warrant.

SEC. 57. [*As amended by sec. 23, chap. 383, laws of 1870.*] Each member of the police force, under the penalty of ten days' fine, or dismissal from the force, at the discretion of the board, shall, immedi-

To convey persons arrested before nearest magistrate immediately.

ately, upon an arrest, convey, in person, the offender before the nearest sitting magistrate, that he may be dealt with according to law. If the arrest is made during the hours that the magistrate does not regularly hold court, or, if the magistrate is not holding court, such offender may be detained, in a station-house or precinct thereof, until the next public sitting of the magistrate, and no longer, and shall then be conveyed without delay before the magistrate, to be dealt with according to law. And it shall be the duty of the said board, from time to time, to provide suitable rules and regulations to prevent the undue detention of persons arrested, which rules and regulations shall be as operative and binding as if herein specially enacted.

No undue
detention of
persons
arrested.

Exemptions
of police.

SEC. 58. No person holding office under this department shall be liable to military or jury duty, nor to arrest on civil process, or, whilst actually on duty, to service of subpoenas from civil courts.

House for
the deten-
tion of
witnesses.

SEC. 59. [*As amended by sec. 24, chap. 383, laws of 1870.*] The common council shall provide suitable accommodations for the detention of witnesses (unless the board of police shall do so as hereinafter provided) who are unable to furnish security for their

appearance, in criminal proceedings; and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct, and be in command of a sergeant of police. And it shall be the duty of all magistrates, when committing witnesses in default of bail, to commit them to such house of detention of witnesses, and in committing witnesses to have regard to the rules and regulations of the board of police in respect to time of detention. The board of commissioners of police are hereby authorized, in their discretion, to cause the building now used as the fourteenth precinct station-house to be used as the house for the detention of witnesses; and in which case the board of police are authorized and directed to take possession of the premises now used as a house for the detention of witnesses in Mulberry street, for a station-house for the fourteenth precinct. And the moneys heretofore raised for the purpose of building station-houses in the eleventh and fourteenth precincts, are hereby transferred to, and the board of police are hereby authorized to use the same in building a suitable station-house for the fourteenth precinct, and any balance remaining may be used by the board of police in altering and fitting-up the house for the detention of witnesses.

Police force,
penalties
incurred by.

SEC. 60. The board of police shall have power, in its discretion, on conviction of a member of the force of any legal offense, or neglect of duty, or violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiting and withholding pay for a specified time, or dismissal from the force, but no more than ten days' pay shall be forfeited and withheld for any offense. All such fines shall be paid forthwith to the chamberlain to the account of the police life insurance fund.

Warrants of
appointment
of.

SEC. 61. Every member of the police force shall have issued to him, by the board of police, a proper warrant of appointment, signed by the president of the said board, and chief clerk, or first deputy, which warrant shall contain the date of his appointment and his rank.

Oath of
office of.

SEC. 62. Each member of the police shall take an oath of office, and subscribe the same before an officer of police who is empowered to administer an oath.

Duties of, at
elections.

SEC. 63. It shall be the duty of the superintendent of police to detail, on each day of election, at least two patrolmen to each election poll.

SEC. 64. It shall be the duty of the police force, or any member thereof, to prevent any booth, or box, or structure for the distribution of tickets at any election, from being erected or maintained within one hundred and fifty feet of any polling place within the city, and to summarily remove any such booth, box, or structure, or close and prevent the use thereof.

To prevent
erection of
booths at
elections.

SEC. 65. The duties of the police surgeons, and the extent and bounds of their districts, shall be assigned from time to time by the rules and regulations of the board of police.

Duties of
surgeon of.

SEC. 66. [*As amended by sec. 25, chap. 383, laws of 1870.*] The board of metropolitan police shall, immediately upon the passage of this act, ascertain, state, and declare, what portion of the police life insurance fund, and of the reward fund, respectively of the said metropolitan police, belongs to, or should be set apart for, the police of the city of New York; and upon such statement being made, a division of such fund shall be made, and the amount so found to be the portion of the police of the city of New York, shall be paid over to the chamberlain of the city of New York, as trustee, for the benefit of the police of the city of New York, as contemplated in the creation of said funds. All fines imposed by the

Disposition
of life
insurance
and reward
fund.

board of police upon the members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid and given for account of extraordinary services of any member of the police force (except when allowed to be retained by said member), and all moneys remaining for the space of two years in the hands of the property-clerk, or arising from the sale of unclaimed goods, and all proceeds of suits for penalties under this act, shall be deposited and paid into the bank wherein the chamberlain shall keep an account. The payments so made shall constitute and be deposited and kept as a fund, to be called the "Police Life Insurance Fund," and the person who shall, from time to time, fill the office of chamberlain, shall be the trustee of the said fund, and may, from time to time, invest the same, in whole or in part, as he shall deem most advantageous for the objects of such fund, and is empowered to make all necessary contracts and take all necessary remedies in the premises. And the said chamberlain shall succeed the present trustees of the police life insurance fund of the metropolitan police department, and said fund shall be delivered over, on demand, to the said chamberlain by the parties or the institution now holding it. But all annuities now

Police life
insurance
fund,
chamberlain
to be trustee
of.

chargeable upon said fund shall be maintained inviolate. The board of metropolitan police shall, immediately upon the passage of this act, ascertain, state, and declare, which of the last said annuities shall be a charge upon, and paid out of the portion of the police life insurance fund for "the police of the city of New York," and upon such statement being made, the annuities therein stated to be chargeable on the "Police Life Insurance Fund," for the city of New York, shall be chargeable on the latter fund only.

SEC. 67. The board of metropolitan police shall also immediately ascertain what interest the city and county of New York has in any property used for general police purposes of said district, within the other counties of the metropolitan police district, in order to a future adjustment thereof.

Property of
metropolitan board,
division of.

SEC. 68. All property or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be hereafter taken into the custody of any member of the police force, or criminal court in the city of New York, or which shall come into custody of any police justice, shall be, by such member or justice, or by order of said court, given into the custody of and kept by the property-clerk of the police,

Stolen
property to
be kept by
property-
clerk.

and all such property and money shall be particularly registered by said property-clerk in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure, and any final disposition of such property and money.

Property or
money taken
from persons
under arrest.

SEC. 69. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought, with such claimant and the person arrested, before some magistrate for adjudication, and the magistrate shall be then and there satisfied from evidence that the person arrested is innocent of the offence alleged, and that the property rightfully belongs to him, then said magistrate may thereupon, in writing, order such property or money to be returned, and the property-clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent, or clerk of such accused person.

When to be
returned.

When to be
retained.

SEC. 70. If any claim to the ownership of such property or money shall be made on oath before the magistrate, by or in behalf of any other persons than the person arrested, and the said accused person shall be held for trial or examination, such property or money shall remain

in the custody of the property-clerk until the discharge or conviction of the persons accused.

SEC. 71. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of the said police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted, as soon as practicable, to the property-clerk, to be duly registered and advertised for the benefit of all persons interested, and for the information of the public, as to the amount and disposition of the property so taken into custody by the police.

To be registered and advertised.

SEC. 72. All property and money that shall remain in the custody of the property-clerk for the period of six months without any lawful claimant thereto, after having been three times advertised in public newspapers, shall be sold at public auction, and the proceeds of such sale shall be paid into the police life insurance fund.

When to be sold.

Disposition of proceeds of.

SEC. 73. If any property or money placed in the custody of the property-clerk shall be desired as evidence in

May be used as evidence.

any police or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court; such property, however, shall not be retained in said court, but shall be returned to said property-clerk, to be disposed of according to the previous provisions of this act.

Board of
police to
organize.

Metropolitan
police prop-
erty to be
turned over.

Treasurer of
metropoli-
tan police to
report state-
ment of
property and
funds.

SEC. 74. Upon the appointment of the commissioners of police first mentioned in this act, or a majority of them, they shall organize as the board of police of the police department of the city of New York, and the board of metropolitan police shall, on demand, turn over to the board of police hereby created all the property, real and personal, and books and records in the use or possession of said board of metropolitan police, within the limits of the city and county of New York, for the use and purposes of the police department by this act established; and the said board of police of the police department of the city of New York are hereby authorized and empowered, immediately upon entering upon the duties of their office, to take possession of the same for such uses and purposes, and to hold the same, subject to the control and superior title therein of the city and county of New York. Immediately upon the passage of this act, the treasurer of the metropolitan police department shall make to the comptroller of the city of New York a de-

tailed statement of all the property, real and personal, belonging to the metropolitan police department in the city and county of New York. If any proportion of the cost of any such property shall have been borne by the metropolitan police district at large, the proportion paid by each county of such metropolitan police district, for such property, shall be stated. And the comptroller of the city of New York shall report such proportionate expense, borne by other counties, to the supervisors of the county of New York, and said supervisors shall cause to be levied and raised upon the estates, real and personal, in such county, subject by law to taxation, in the year eighteen hundred and seventy, such amount as may be necessary to reimburse such other counties such proportion, and shall thereafter immediately make such reimbursement.

Other counties to be reimbursed.

Sec. 75. The moneys raised in the city and county of New York for the proportion of the said city and county, of the expenses of the metropolitan police district remaining unexpended, shall be paid over by the officer or officers in whose hands soever the same may be, to the comptroller of the city of New York immediately upon the passage of this act; and it shall be the duty of the treasurer of this state to transmit all such moneys remaining in the state treasury to the comptroller of said city. The moneys so coming into the hands of the comptroller of

State treasurer to turn over moneys to comptroller.

Application
thereof.

Estimates of
expenses
required.

Monies for,
how raised.

the city of New York shall be applied first to the expenses incurred and remaining unpaid, if any there be, on account of the metropolitan police in the city and county of New York, and then to the payment of the expenses of the police department created by this act, as from time to time may be necessary. The board of police hereby established shall annually, on or before the first day of December, make an estimate of the sum of money which will be required for expenses necessary to the administration and conduct of the board of police for the year next ensuing, and shall submit such estimate to the mayor, comptroller, and president of the said board of police, who shall, on or before the fifteenth day of December, consider and revise such estimate, and shall fix and determine the amount which said board of police shall be authorized to expend during such year, and such amount, when established by said mayor, comptroller and president of the board of police, shall thereby become appropriated. The amount thus established shall be certified to the board of supervisors of the county of New York by the comptroller, and the said board of supervisors are empowered and directed annually to cause the amount thereof to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York. The comptroller, from time to time, is authorized to borrow upon revenue bonds, accord-

ing to law, in anticipation of the said taxes, whatever sum he may deem necessary for the use and purposes of the said department, not exceeding in any one year the amount which may be appropriated for said year as herein provided.

May be borrowed in certain cases.

SEC. 76. Upon notice to the board of metropolitan police by the commissioners first appointed under this act, of their appointment and qualification, the powers and duties of the said board of metropolitan police, and of the officers of the said board (except as herein provided), shall cease and be no longer operative within the city and county of New York. All powers and duties of the board of metropolitan police and of the members of the metropolitan police force, heretofore exercised according to law, and all the provisions of law which related to the police of the metropolitan police district, so far as they are not respectively in conflict or inconsistent with the provisions of this act, are hereby devolved upon the police department herein created, and upon the police force hereby established, and shall be extended and applied to the police and police department created by this act.

Powers of metropolitan board, when to cease.

Devolved upon police department.

§ 18. [*Of chap. 383, laws of 1870.*] The police department [created by the act entitled "An Act to reorganize the local government of the city of New York," passed April fifth, eighteen

County of
Richmond
to be
prosecuted.

hundred and seventy,] is hereby authorized and empowered in its name, or in the name of its president or treasurer, to take and prosecute any appropriate action or proceeding in any court of record, which the board of police of the metropolitan police district or its treasurer, or any other public officer or officers, but for the passage of said act, and of any other act passed since the first of January, eighteen hundred and seventy, could have taken and prosecuted, to compel the county of Richmond, or the board of supervisors of that county, or any other officer of that county, to make payment of the sums due from and owing by said county of Richmond, by reason of the failure of said county and its officers to pay to the said board of metropolitan police, or to the treasurer of said board of police, or into the treasury of the state, the moneys required to pay the salaries and compensation of the members of the police force of the metropolitan police district, doing duty in said county of Richmond, and defray the other lawful expenses of said police force, chargeable upon the said county of Richmond, as specified in the annual financial estimates heretofore made by the said board of metropolitan police, and all moneys that may be so collected shall be paid to the chamberlain of the city of New York; the moneys so due and owing, having been advanced by the said board of metro-

politan police, out of moneys raised in and contributed to the metropolitan police fund by the county of New York.

§ 19. [*Of chap. 888, laws of 1870.*] As an addition to the sources of income of the police life insurance fund of the police force of New York city, there shall be taken monthly, out of the moneys deducted from the pay of members of said police force, on account of lost time, a sum calculated at the rate of fifty cents per month for each member of such force, which sum shall be paid to the chamberlain of the city of New York, and invested by him as part of the police life insurance fund of the police of New York city. Such portion of the "Metropolitan Reward Fund" as shall belong or be awarded to the city of New York in the division thereof, shall be paid over to the chamberlain of the city of New York as trustee of the police life insurance fund, and shall be and become a part of said last-named fund and be invested as such. The board of police of the police department of the city of New York, shall have power in their discretion (whenever in their opinion the interests of the department will be benefited thereby), by resolution to be adopted by a unanimous vote and expressing thereon such opinion, to dismiss from office in such police department, any captain or ser-

Addition to
income of
police life
insurance
fund.

Captains or
sergeants
may be
retired on
half pay.

Work or
supplies,
how
provided for.

geant, and place the person so dismissed on the pension roll of said police life insurance fund, and allow him an annual retiring pension of (not exceeding in amount) one-half the annual salary or compensation of such office. And said board may in like manner dismiss from office in said department any patrolman, and place the person so dismissed upon the said pension roll, and allow him an annual retiring pension of not exceeding four hundred dollars per annum. All work to be done or supplies to be furnished, or other expenditure made for or on behalf of the said police department, shall be done, furnished or made by the commissioners of said department, who shall provide the necessary station and sub-station houses, and establish such regulations for furnishing such supplies and performing such work as they shall order, as in their judgment they may deem necessary and proper, and the money required for such purposes and all other sums required for the department shall be estimated for, and raised, in the manner provided by section seventy-five of the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy. The amounts required, from time to time, by the said department, shall be paid by the comptroller of said city, on the requisition of the treasurer

of said department, as ordered by the board thereof, but according to modes and forms to be prescribed by the finance department, under the provisions of law creating the same. Each commissioner of police, the superintendent thereof, and the chief clerk and deputy thereof, are authorized and empowered to administer oaths and affirmations in all matters pertaining to the department or the duties of any officer. Any wilful and corrupt swearing by any person to any material fact before either of said officers, shall be deemed perjury, and punished in the manner now provided by law for such offenses. The treasurer of the board of police shall give a bond, with two sureties, in the sum of twenty thousand dollars each, for the faithful performance of his duties, said bond to be approved by the comptroller, and filed in his office. The said treasurer shall receive an annual salary of fifteen hundred dollars, in addition to the amount provided for salary as a member of the board of police.

Police funds
to be paid to
treasurer.

Oaths may
be adminis-
tered.

Penalty for
false swear-
ing.

Treasurer to
give bond.

Salary of
treasurer.

§ 20. [*Of chap. 383, laws of 1870.*] The board of police shall have authority to increase the force from time to time, as public necessity shall require not exceeding one hundred patrolmen in addition to the number now authorized by law; and said board

Increase of
force.

Detail for
mayor.

Board of police to perform all duties under registry laws of 1866 and 1866.

of police shall detail from the force, to be under the direction of the mayor, not exceeding twenty men, to enforce the ordinances of the corporation. The board of police are hereby authorized and directed to perform all the duties required and designated to be performed by the commissioners of metropolitan police, applicable to the city of New York, by chapter seven hundred and forty, laws of eighteen hundred and sixty-five, and by the unrepealed provisions of chapter eight hundred and twelve, laws of eighteen hundred and sixty-six, amendatory thereof.

ARTICLE EIGHTH.

Of the Department of Public Works.

Department of public works, commissioner of.

Officers merged in.

SEC. 77. There shall be a department of public works, the head or chief officer of which shall be called "Commissioner of Public Works," who shall be appointed by the mayor, and hold office for four years, and who shall receive a salary equal to that now or lately designated by statute or ordinance to the street commissioner. Whenever the words chief engineer of the Croton aqueduct board, or president of the Croton aqueduct board, or street commissioner shall occur in any existing law, ordinance, resolution, contract, or document, it shall be deemed

to mean the aforesaid commissioner of public works, and wherever in any law or in any ordinance or obligation of the corporation the words street department or Croton aqueduct board shall occur, it shall be deemed and construed hereafter to mean the "Department of Public Works," and the commissioner thereof. Within five days after the passage of this act the terms of office of the street commissioner of the city of New York, and the president commissioner, the assistant commissioner, and the chief engineer of the Croton aqueduct department of the city of New York shall end, and the said offices respectively shall be abolished. The bureaux, offices and positions now under the street department or Croton aqueduct department, respectively, are hereby transferred to the "Department of Public Works," together with all their papers, books, documents, property and public effects, and with the like authority and compensation, and the terms of office of the several persons now holding office or position or employment under said street and Croton aqueduct departments shall be terminated within five days from the passage of this act.

Croton aqueduct department abolished.

Street department merged in.

Property, &c., to be turned over to.

SEC. 78. The said department shall have cognizance and control:

Powers and duties of.

1. Of all structures and property connected with the supply and distribution of Croton water.

2. Of the collection of the revenues arising from the sale or use of the Croton water.

3. Of opening, altering, regulating, grading, flagging, curbing, guttering, and lighting streets, roads, places, and avenues.

4. Of the repairing and construction of public roads.

5. Of the care of public buildings.

6. Of the filling up of sunken lots.

7. Of public sewers and drainage.

8. Of street vaults.

9. Of paving, repaving, and repairing streets, and keeping the same clear.

10. Of digging and constructing wells.

Bureaus in.

SEC. 79. There shall be the following bureaux in the department of public works :

Of water-
pipes, sewers,
&c.

1. A bureau for laying water-pipes, and the construction and repair of sewers, wells, and hydrants, paving and repaving and repairing streets ; the chief officer of which shall be called " Water Purveyor."

For collec-
tion of water
revenue.

2. A bureau for the collection of revenue derived from the sale and use of water ; the chief officer of which shall be called " Water Register."

3. A bureau having care of all structures and property connected with the supply and distribution of Croton water; the chief officer of which shall be called "Chief Engineer of the Croton Aqueduct," with power to appoint and remove at pleasure, and detail a staff of assistant engineers. He and they must be civil engineers of at least ten years' experience. The commissioner may delegate to this bureau any power and duty now conferred by law or ordinance on the chief engineer of the Croton aqueduct board.

*Of Croton
aqueduct.*

*Chief en-
gineer of.*

Assistants of.

4. A bureau for grading, flagging, curbing, and guttering streets; the chief officer of which shall be called "Superintendent of Street Improvements."

*Of grading
and flagging
streets, &c.*

5. A bureau of lamps and gas; the chief officer of which shall be called "Superintendent of Lamps and Gas."

*Of lamps
and gas.*

6. A bureau of streets and roads; the chief officer of which shall be called "Superintendent of Streets."

*Of streets
and roads.*

7. A bureau of repairs and supplies, which shall have cognizance of all supplies and repairs to public buildings, works, lands and places, and all other necessary repairs and supplies not provided for in other departments; the chief officer of which shall be called "Superintendent of Repairs and Supplies," and shall be a practical builder.

*Of repairs
and supplies.*

8. A bureau for the collection of assessments; the

Of collection
of assess-
ments.

chief officer of which shall be called "Collector of Assessments," and his assistants, "Deputy Collectors."

Flagging
sidewalks.

§ 1. [*Of chap. 383, laws of 1870.*] * * *

Hereafter, all flagging in the city of New York shall be laid full width, and north of Fourteenth street, shall be of such material as the commissioner of public works shall direct. * * * The commissioner of public works is authorized from time to time to provide for lighting the streets, avenues, and places of the city with gas, but shall not make any arrangement or agreement with any company or companies for such purpose for a period longer than one year at any given time. * * *

Lighting
streets.

To furnish
water
meters.

§ 13. [*Of chap. 383, laws of 1870.*] The commissioner of public works is hereby authorized, in his discretion, to cause water meters, of approved pattern and suitable for the purpose, to be designated by said commissioner, to be placed in all stores, workshops, hotels, manufactories, public edifices, at wharves, ferry-houses, stables, and in all the places in which water is furnished for business consumption by the department of public works, so that all water so furnished therein or thereat may be measured and known by the said department, and for the purpose of ascertaining the ratable proportion which consumers

of water should pay for the water therein or thereat received and used. Thereafter, as shall be determined by the commissioner of public works, the said department shall make out all bills and charges for water furnished by them to each and every consumer as aforesaid, to whose consumption a meter as aforesaid is affixed, in ratable proportion to the water consumed, as ascertained by the meter on his or her premises or places occupied or used as aforesaid. All expenses of meters, their connections and setting, water rates, and other lawful charges for the supply of Croton water shall be a lien upon the premises where such water is supplied as now provided by law. Nothing herein contained shall be construed so as to remit or prevent the due collection of arrearages or charges for water consumption heretofore incurred, nor interfere with the proper liens therefor, nor of charges, or rates, or liens hereafter to be incurred for water consumption, in any dwelling-house, building or place which may not contain one of the meters aforesaid.

Expense of
meters to be
a lien.

§ 14. [*Of chap. 383, laws of 1870.*] No street, avenue, or public place in the city of New York, which has been once paved, and the expense thereof paid for by the owners of the adjoining property by assessment, shall hereafter be paved, with any patent

Patent or
special
pavement,
restrictions
on.

or special pavement, unless petitioned for by a majority of the owners of the property on the line of the proposed improvement; nor unless the resolution or ordinance of the common council authorizing the same shall be approved by the mayor; and any ordinance or resolution heretofore passed for any patent or special pavement, which has not been approved by the mayor, or the work petitioned for by a majority of the owners of the adjoining property to be affected, and for which no contract has been entered into and upon, is hereby declared to be inoperative and void.

Estimates
and appro-
priations.

§ 47. [*Of chap. 382, laws of 1870.*] The commissioner of public works of the city of New York shall annually, on or before the first day of December, make an estimate of the sum of money which will be required for expenses necessary to the administration and conduct of the department of public works [as established by the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy,] for the year next ensuing, and shall submit such estimate to the mayor and comptroller who shall, in connection with the said commissioner, consider and revise such estimate on or before the fifteenth day of

December, and shall fix and determine the amount which the said commissioner of public works shall be authorized to expend during such year, and such amount, when established by said mayor, comptroller, and commissioner of public works, shall thereby become appropriated. The amount thus established shall be certified to the board of supervisors of the county of New York by the comptroller, and the said board of supervisors are empowered and directed, annually, to cause the amount thereof to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York.

ARTICLE NINTH.

Of the Department of Public Charities and Correction.

SEC. 80. The department of public charities and correction shall hereafter be composed of and have for its head a board of five persons, which board shall possess all the powers, and discharge all the duties now conferred upon such department by special laws and by the provisions of chapter 510 of the Laws of 1860, and acts and parts of acts amendatory thereto, except as the same are modified or repealed by the provisions of this act. The said com-

Board of
charities and
correction.

Powers and
duties of.

Appoint-
ment, term
and salary.

missioners herein provided for shall be appointed by the mayor for the terms of five years respectively, and each of said commissioners shall receive the salary now designated to such office.

Salary of
warden.

§ 1. [*Of chap. 383, laws of 1870.*] * * *

Salary of
physician.

The salary of the warden of the city prisons is hereby fixed at five thousand dollars per annum, and the salary of the physician of the city prisons is hereby fixed at three thousand dollars per annum, each commencing with January first, eighteen hundred and seventy; and the salary of James Donohue, clerk in department of commissioners of charities and correction, is hereby fixed at three thousand five hundred dollars per annum, to date from January first, eighteen hundred and seventy. * * *

Salary of
clerk.

ARTICLE TENTH.

Of the Fire Department.

Fire depart-
ment.

SEC. 81. The fire department shall have for its head a board, to consist of five persons, to be known as "Fire Commissioners of the City of New York," who shall be appointed by the mayor for the terms of five years respectively, [and each of said commissioners shall receive an annual salary of five thousand dollars. *Modified by the following provision, being the last clause of sec. 2, chap. 383, laws of 1870*]:

Appoint-
ment and
terms of.

§ 2. * * * The fire commissioners shall receive the same salaries, respectively, as is now paid to the commissioners of charities and correction, respectively. Salaries.

SEC. 82. There shall be in this department two bureaux. Bureaus in.
 The chief officer of the first bureau shall be called the Chief engineer of.
 "Chief Engineer." The chief officer of the other bureau Inspector of fire apparatus.
 shall be called "Inspector of Fire Apparatus."

SEC. 83. The bureau at the head of which shall be the Duties of.
 inspector of fire apparatus, is charged with the duty of
 fulfilling all other duties connected with the fire department,
 except such as are performed by the chief engineer
 and the assistant engineers.

SEC. 84. The said fire department is hereby empowered To supersede metropolitan fire department.
 to possess and directed to exercise all the powers, and to
 perform all the duties now provided by law to the metropolitan
 fire department, and shall have power to provide Powers and duties of.
 supplies, horses, tools, implements, and apparatus of any
 and all kinds to be used in the extinguishing of fires,
 and fire-telegraphs, and to buy, sell, construct, repair, and
 have the care of the same, and take any and all such
 action in the premises as may be reasonably necessary
 and proper, and upon due organization as a department,
 to take possession of, for its use, all city property and

apparatus, and books, then or lately in custody of the metropolitan fire department.

Appoint-
ments by.

SEC. 85. The said board shall appoint a secretary, chief and assistant engineers, and as many clerks, firemen, and other appointees as may be necessary, who shall receive the like compensation as that paid to them respectively in the metropolitan fire department. They shall at all times

May remove
at pleasure.

be under the discipline of the said board and perform such duties as may be assigned to them by the said board, and may be removed by said board at pleasure; and the chief

Present
force trans-
ferred to.

engineer, assistant engineers, firemen, and employes now in the metropolitan fire department are hereby made subordinates of this department, and are hereby transferred to this department.

Duties of
appointees of

SEC. 86. The officers, firemen, and appointees of the fire department, with their apparatus of all kinds, when on duty, shall have the right of way at any fire and in any highway, street, or avenue, over any and all vehicles of any kind, except those carrying the United States mail. And any person who shall refuse the right of way,

Penalty for
obstructing.

or in any way obstruct any fire apparatus or any of said officers while in performance of duty, shall be guilty of a misdemeanor and be liable to punishment for the same.

SEC. 87. It shall be a misdemeanor, punishable by im-

prisonment in the county jail for a period of not less than sixty days, for a person not so enrolled or employed, or appointed by the said department, to wear the whole or any part of the uniform or insignia prescribed to be worn by the rules and regulations of the board, or do any act as firemen not duly authorized by the board hereby created, or to interfere with the property or apparatus of the fire department in any manner, unless by authority of the department.

Penalty for
falsely per-
suading.

Sec. 88. No person holding office under this department shall be liable to military or jury duty while performing his duty as a fireman.

Exemptions
of appointees

Sec. 89. It shall be the duty of said department to make suitable regulations under which its officers and men shall be required to wear any appropriate uniform and badge by which, in case of fire and at other times, the authority and relations of such officers and men in said department may be known, as the exigency of their duties may require.

Uniform for.

§ 46. [*Of chap. 383, laws of 1870.*] The board of fire commissioners of the city of New York [established by the act entitled "An act to make provision for the local government of the city of New York," passed April fifth, eighteen hundred and seventy,] shall, annually, on or before the first day of December,

Estimates
and appro-
priations.

make an estimate of the sum of money which will be required for expenses necessary to the administration and conduct of the fire department for the year next ensuing, and shall submit such estimate to the mayor, comptroller, and president of the said board of fire commissioners, who shall, on or before the fifteenth day of December, consider and revise such estimate, and shall fix and determine the amount which the said fire commissioners shall be authorized to expend during such year, and such amount, when established by said mayor, comptroller, and president of the board of fire commissioners, shall thereby become appropriated. The amount thus established shall be certified to the board of supervisors of the county of New York, by the comptroller; and the said board of supervisors are empowered and directed annually to cause the amount thereof to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation within the said city and county of New York.

ARTICLE ELEVENTH.

Of the Health Department.

Health department.

SEC. 90. The health department shall consist of the police commissioners of the city of New York, the health officer of the port, and also four officers to be called,

“Commissioners of Health of the city of New York,”
 who shall be appointed by the mayor for a term of five
 years, two of whom must have been practising physicians
 in said city for a period of five years preceding their
 appointment. Said four commissioners of health shall
 receive an annual salary of five thousand dollars each.
 These several officers shall together constitute a board,
 which shall be the head of the health department.

SEC. 91. There shall be four bureaux in this depart-
 ment. The chief officer of one bureau shall be called the
 “City Sanitary Inspector,” and he shall be a practising
 physician of at least ten years in the city of New York.
 There shall be another bureau, to be called the “Sanitary
 Permit Bureau.” There shall be another bureau, to be
 called the “Bureau of Street Cleaning.” The chief offi-
 cer of another bureau shall be called the “Register of
 Records.” And in said bureau shall be recorded, without
 fees, every birth, marriage, and death, and all inquisitions
 of coroners (excepting those whereby a jury find a death
 caused by negligence or malicious injury), which shall
 occur or be taken within the city of New York.

SEC. 92. It shall be the duty of said board, immediately
 upon organization under this act, to cause to be conformed
 to this article the code of laws and regulations then or
 lately adopted by the board of health for the metropoli-

tan sanitary district, which shall be called the "Sanitary Code." And said health department is hereby authorized and empowered to add to such sanitary code from time to time additional provisions for the security of life and health in the city of New York, and therein to distribute appropriate powers and duties to the members and employes of the board of health. Any violation of said code shall be treated and punished as a misdemeanor.

Powers and duties of boards of health conferred upon.

Books and records of metropolitan board turned over.

SEC. 93. [*As amended by sec. 26, chap. 383, laws of 1870.*] Whenever, in any law of this state, any power or duty shall be conferred or enjoined upon any board of health, or in relation to the board of health of the metropolitan sanitary district, except as herein provided, the same shall be applicable to the department hereby created. Upon the organization of the said board under this act, the metropolitan board of health and its officers and employes shall, on demand, turn over to the department of health created by this act, all the property of every kind, books, records, and papers in the use or possession of said metropolitan board of health, its officers or employes, in the city of New York, for the uses and purposes of the health department by this act established; and the health department created by this act are hereby authorized and empowered, im-

mediately upon entering upon the duties of their office, to take possession of the same for such uses and purposes, and to hold the same subject to the control and superior title therein of the city and county of New York. All orders duly made by the metropolitan board of health, and by their terms or necessary legal effect to be executed in the city of New York, may be executed, and the execution thereof compelled, and the execution of such of them as are partly executed may be completed by the department of health hereby created; and the said orders may be severally rescinded or modified by last said department, with like effect as could have been done by the metropolitan board of health at the time the said orders were severally made. The said department may discharge all liens upon real estate in the city of New York, created in proceedings instituted by the metropolitan board of health, in the same manner and for the same causes that, by laws existing January first, eighteen hundred and seventy, they could be discharged by the metropolitan board of health. The authority, duty, and powers conferred or enjoined upon the metropolitan board of health by chapter seventy-four of the laws of eighteen hundred and sixty-six, and the several acts amendatory thereof, and by any other subsequent laws of this state, and upon the several officers and members of

Orders of metropolitan board may be executed.

Powers and duties of metropolitan board conferred upon.

said board, not inconsistent with the provisions of this act, are hereby conferred upon and vested in or enjoined upon, and shall hereafter be exclusively exercised in the city of New York, by the health department and board of health, created by this act and by the officers of last said board of health and the said health department, and the same are to be exercised in the manner specified in the said chapter seventy-four of the laws of eighteen hundred and sixty-six, and the several acts amendatory thereof, and by any other subsequent laws of this state, and in conformity to the provisions of this act.

Estimate and
appropriations.

§ 45. [*Of chap. 383, laws of 1870.*] The board of commissioners of health of the city of New York [established by the act entitled "An act to make provision for the local government of the city of New York," passed April fifth, eighteen hundred and seventy,] shall annually, on or before the first day of December, make an estimate of the sum of money which will be required for expenses necessary to the administration and conduct of the health department for the year next ensuing, and shall submit such estimate to the mayor, comptroller, and president of the said board of commissioners of health, who shall, on or before the fifteenth day of December, consider and revise such estimate, and shall fix

and determine the amount which the said commissioners of health shall be authorized to expend during such year; and such amount, when established by said mayor, comptroller, and president of the board of commissioners of health, shall thereby become appropriated. The amount thus established shall be certified to the board of supervisors of the county of New York by the comptroller, and the said board of supervisors are empowered and directed annually, to cause the amount thereof to be, according to law, raised and collected by tax upon the estates, real and personal, subject to taxation, within the said city and county of New York.

§ 1. [*Of chap. 383, laws of 1870.*] * * * Extra street cleaning.

The board of health is hereby authorized to make arrangements with the contractor for cleaning the streets for such additional cleaning of the streets as they shall from time to time deem the public health to require, and the expenses thus incurred shall be included in the taxes of the year. * * *

ARTICLE TWELFTH.

Of the Department of Public Parks.

SEC. 94. The department of public parks shall control and manage all public parks and public places above Public places north of Canal street.

Canal street, which are of the realty of the city of New York.

Public places
south of
Canal street.

Powers and
duties of
commissioners of
Central park
conferred on.

A majority
necessary to
any action.

Additional
estimates
authorized.

§16. [*Of chap. 383, laws of 1870.*] All parks and public grounds south of Canal street shall hereafter be under the control and management of the department of public parks, and nothing in any act contained shall be deemed, construed, or taken to abrogate or impair any powers or duties conferred on the said department of public parks, [by virtue of article twelve of chapter one hundred and thirty-seven, laws of one thousand eight hundred and seventy,] and all acts conferring powers and devolving duties upon the board of commissioners of the Central park are hereby transferred to and conferred upon the said department of public parks, but no action of the board composing said department shall be deemed final or binding unless it shall have received the approval of a majority of the said board whose names shall be recorded in its minutes. The department of public parks is hereby authorized to include in the estimate, which said department is authorized to make for moneys required for the maintenance and government of the Central park, such further sum as may be annually required for the maintenance, government, and improvement of the several parks, roads, and avenues under the control of said department.

SEC. 95. This department shall be under the charge of a board, to consist of five members, who shall be appointed by the mayor, and shall respectively hold office for terms of five years.

Board of
commission-
ers of

SEC. 96. All provisions of law which provide for the maintenance and government of the Central Park, or grant powers and devolve duties upon, [or award allowance for carriage-hire to,—*these words repealed by sec. 15, chap. 383, laws of 1870,*] the commissioners of the Central Park, [or provide salary for the comptroller of said park,—*these words repealed by sec. 15, chap. 383, laws of 1870,*] shall apply to the department of parks hereby established, and to the commissioners and comptroller thereof respectively.

Powers and
duties of.

§ 15. [*Of chap. 383, laws of 1870.*] No member of the board of the department of public parks shall receive any salary or other compensation for his services in any capacity connected with said department. The said department of parks is hereby directed to perfect the boulevard on the southerly side of the Central park in Fifty-ninth street, by removing therefrom the railway tracks of the North, East, and Central Park Railroad Company; and permission is hereby given to said company to lay double tracks, in lieu of tracks so removed, in Fifty-eighth street, to connect suitably with their other tracks now laid in the

No compen-
sation.

Boulevard at
Fifty-ninth
street.

Boulevard to
be wholly in
charge of
department.

Eleventh and First avenues. The road or public drive laid out on the map or plan of the city of New York, by the commissioners of the Central park, pursuant to the provisions of chapter five hundred and sixty-five laws of eighteen hundred and sixty-five, shall hereafter be known as "The Boulevard," and shall be wholly under the care, management, and control of the department of public parks, and as to the use thereof the said department shall have, possess, and enjoy all the powers now or hereafter possessed, enjoyed, or exercised by said commissioners in respect to the Central park in said city.

ARTICLE THIRTEENTH.

Of the Department of Buildings.

Department
of buildings.

Superintend-
ent of, term
and salary.

Powers and
duties of.

SEC. 97. There shall be a department called the "Department of Buildings," the chief officer of which shall be called the "Superintendent of Buildings," who shall be appointed by the mayor for a term of five years, and who shall receive an annual salary of seventy-five hundred dollars. The powers and duties of said department, its officers and employes and subordinates, shall continue as now authorized by special laws (except as modified or repealed by this act), in relation to buildings in the city of New York.

SEC. 98. Whenever in any act the words "Department for the Survey and Inspection of Buildings," or "Superintendent of Buildings" shall occur, applicable to the city of New York, the same shall be taken to mean the department of buildings and the superintendent of buildings herein authorized.

ARTICLE FOURTEENTH.

Of the Department of Docks.

SEC. 99. There shall be a department of docks, the head of which shall be a board consisting of five persons residing in the city of New York, to be appointed by the mayor, who shall hold office for the term of five years, and shall possess such powers and perform such duties and receive such compensation as shall be established and defined by the commissioners of the sinking fund of the city of New York [and who may, in the performance of such duties, expend annually for the repair or reconstruction of the wharves, piers, and slips of said city, not more than three hundred and fifty thousand dollars. *Repealed by the provisions of sec. 42, chap. 383, laws of 1870.*]

Department of docks.

Board of appointment and terms.

Powers, duties, and salary.

Limitation of expenditures by.

§ 32. [*Of chap. 383, laws of 1870.*] The department of docks in the city of New York shall have exclusive charge and control, subject, in the particu-

To control all wharf property, &c.

Subject to
commission-
ers of sink-
ing fund.

lars hereinafter mentioned, to the commissioners of the sinking fund of said city, of all the wharf property belonging to the corporation of the city of New York, including all the wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto, and all the slips, basins, docks, water-fronts, land under water, and structures thereon, and the appurtenances, easements, uses, reversions and rights belonging thereto, which are now owned or possessed by the said corporation, or to which said corporation is or may become entitled, or which said corporation may acquire under the provisions hereof, or otherwise; and said department shall have exclusive charge and control of the repairing, building, rebuilding, maintaining, altering, strengthening, leasing and protecting said property, and every part thereof, and of all the cleaning, dredging, and deepening necessary in and about the same. Said department is also hereby invested with the exclusive government and regulation of all wharves, piers, bulkheads, and structures thereon, and waters adjacent thereto, and all the basins, slips, and docks, with the land under water in said city, not owned by said corporation. The duties and powers heretofore performed and exercised by any officer, department, or bureau of the said corporation in and about all or any part of

To have
exclusive
government
of wharves,
&c.

Powers and
duties exer-
cised by
other depart-
ments trans-
ferred.

the said property, are hereby transferred to, and vested exclusively in, the said department, but this provision shall not affect the powers of the aforesaid commissioners of the sinking fund.

§ 33. [*Of chap. 383, laws of 1870.*] The said department of docks shall, immediately after organizing, appoint, by public advertisement, a time and place in said city to hear all persons interested in the improvement of the water-front of the said city, and the establishment of permanent wharf accommodations for special commercial interests, and at such time and place the board thereof shall assemble and hear such persons as shall then appear, and receive and file all memorials and plans then and there presented. Immediately after such hearing, the said board shall advertise for plans for the best method of improving the water-front and harbor of the city of New York, by a new system of wharves, piers, docks, basins, and slips, which shall accommodate the present commerce of said city and harbor, and shall provide for the future expansion and increase thereof, and for the facilitation of the transportation of freight along said water-front, so as to render the whole water-front of said city available to the commerce of said port. Said plans to contain provision for such special

Persons to be heard.

To advertise for plans.

Provisions
for special
commercial
interests.

commercial interests as said board shall indicate in the advertisement for such plans, and to be drawn up and presented to said board at such time and place, and accompanied by such documents, specifications, estimates, and particulars as said advertisement shall specify. And said board may extend the time to present such plans, but not later than the first day of January, eighteen hundred and seventy-one.

Time of
examination
of plans.

SEC. 34. [*Of chap. 383, laws of 1870.*] Said board of the said department of docks shall meet and examine such plans from time to time, and shall, on or before the first day of May, eighteen hundred and seventy-one, determine upon any one of said plans for the whole or any part of said water-front, or may, in its discretion, cause a new plan to be made combining the separate features of any two or more plans, and determine upon such new plan. And said board shall, when it has determined upon any plan or plans for the whole or any part of said water-front send such plan or plans so determined upon, together with all documents, specifications, estimates, and particulars relating thereto, to the commissioners of the sinking fund, who may adopt or reject any such plan or plans. If any such plan be rejected by said com-

Plans
adopted to be
approved by
commission-
ers of sinking
fund.

missioners of the sinking fund, the said board shall send another plan in place thereof to said commis-

Rejection of plan.

sioners. The plan or plans adopted by the said commissioners of the sinking fund shall be returned by

Adoption of plan.

them to the said board, with a certificate of such adoption written thereon, which certificate shall specify the territory or district which said plan shall cover and control, and said plan and certificate shall be filed in the office of said board, and be open to public inspection, and shall, from the time of such adoption, be the sole plan according to which any wharf, pier, bulkhead, basin, dock, or slip, or any wharf, structure, or superstructure, shall thereafter be laid out or constructed within the territory or district embraced in and specified upon such plan.

And said board shall give notice, by advertisement for six weeks, of the adoption of such plan. From the time of the adoption of said plan no wharf, pier, bulkhead, basin, dock, slip, or any wharf, structure, or superstructure, shall be laid out, built, or rebuilt within such territory or district except in accordance with such plan.

Notice of adoption.

§ 35. [*Of chap. 383, laws of 1870.*] The said board of the department of docks is hereby authorized to acquire, in the name and for the benefit of the

Title to
private
wharf-prop-
erty to be
acquired.

By agree-
ment.

In case of
non-agree-
ment.

corporation of the city of New York, any and all wharf-property in said city to which the corporation of the city of New York then has no right or title, and any rights, terms, easements, and privileges pertaining to any wharf-property in said city, and not owned by said corporation, and said board may acquire the same either by purchase or by process of law as herein provided. Said board may agree with the owners of any such property, rights, easements, or privileges upon a price for the same, and shall certify such agreement to the commissioners of the sinking fund, and if said commissioners approve of such agreement, said board shall take from such owners, at such price, the necessary conveyances and covenants for vesting said property, rights, terms, easements, or privileges in, and assuring the same to, the mayor, aldermen, and commonalty of the city of New York forever, and said owners shall be paid such price from the city treasury as hereinafter provided. If the said board shall deem it proper that the said corporation should acquire possession of any such wharf-property, rights, terms, easements, or privileges, for which no price can be agreed upon between the owners thereof and said board, the said board may direct the counsel to the corporation of said city to take legal proceedings to acquire the same for the

mayor, aldermen, and commonalty of said city, and the said counsel to the corporation shall take the same proceedings to acquire the same as are by law provided for the taking of private property in said city for public streets or places, and the provisions of law relating to the taking of private property for public streets or places in said city, are hereby made applicable, as far as may be necessary, to the acquiring of the said property, rights, terms, easements, and privileges.

§ 36. [*Of chap. 383, laws of 1870.*] When the plan or plans, mentioned in the thirty-fourth section of this act, have been adopted by the commissioners of the sinking fund, as provided in said thirty-fourth section, the said board of the department of docks shall proceed, according to said plan or plans, to lay out, establish, and construct wharves, piers, bulkheads, basins, docks or slips, in the territory or district embraced in such plan or plans, and in and upon or about the property owned by the mayor, aldermen and commonalty of the city of New York, without interfering with the property or rights of any other person, except so far as may be necessary to insure the safety and stability of the wharves, piers, bulkheads, basins or slips so to be constructed. And said board may commence

Proceedings
after adop-
tion of plan.

Construction
how com-
menced.

Proposals.

Opening and
examination
of.

Execution of
contract.

such construction in sections of said territory or district, from time to time, so as not to seriously incommode the commerce of said city. The work of such construction, under said plan or plans, shall be performed by contract, as follows: The said board shall prepare full and minute specifications for such work, and advertise for proposals for doing said work, under said plan or plans, and according to such specifications; proposals therefor shall be signed by the bidders for said work, and be sent to said board within the time specified in such advertisements, accompanied by a bond, of the form set forth in said specifications, duly executed. The said board shall open said proposals on a day to be specified in such advertisement, and shall examine them and shall award the contract for said work to the lowest responsible bidder complying with such plan or plans and specifications; such contract shall be executed by the said board on behalf of the mayor, aldermen and commonalty of the city of New York, and shall always contain provisions as to the time of commencing and completing said work, and for the retention of at least one-fourth of the contract price until the completion of said work, as security for its performance, and for the forfeiture of said contract for non-performance of the terms thereof. Said board may, upon the forfeiture of any

such contract, proceed to complete the work there- Forfeiture of contract.
 under without contract, or may re-advertise for propo-
 sals to complete said work, and award a new contract
 therefor in the same manner as provided herein for
 awarding the original contract; but no bidder under
 this section shall be entitled to a contract until his bid
 shall be approved and accepted by said board.

§ 37. [*Of chap. 383, laws of 1870.*] When any of Charges of wharfage.
 the wharves, piers, bulkheads, slips, docks, and basins,
 constructed under the provisions of this act relating
 thereto shall be open to the public use, the said board
 of the department of docks shall regulate the charges
 for wharfage and dockage of all vessels admitted
 thereto, and may alter such charges from time to
 time as the public trade may authorize and the said
 board deem proper; provided that the rates of wharf-
 age on boats navigating the canals of the state shall For canal boats.
 not be increased beyond the present rates, and no
 restriction of the amount of wharf and slip room
 occupied by them shall be made; and said board
 may appropriate any of such wharves, piers, bulkheads,
 basins, or slips, to the sole use of special kinds of Special kinds of commerce.
 commerce, and may in the name and for the benefit
 of the corporation of said city, lease any or all of such
 property for a term not exceeding ten years, and Leases.

Covenants in
leases.

covenant for renewal or renewals, at advanced rents, of such leases for terms of ten years each, but not exceeding in the aggregate fifty years. All leases other than for districts appropriated by said board to special commercial interests, shall be made at public auction to the highest bidder. All leases made by said board shall contain covenants on the part of the lessees to make all needful repairs upon or about the property leased, and to maintain and keep in good condition the property leased during the term of the lease, under the penalty of forfeiture of such lease and damages.

Rules and
regulations
for govern-
ment and
care.

§ 38. [*Of chap. 383, laws of 1870.*] The said board of the department of docks shall establish and enforce all needful rules and regulations for the government and proper care of all the property placed in its charge and under its control by the provisions of this act relating thereto, and shall furnish a copy of such rules and regulations to all the owners and occupants of such property, and shall make all needful orders and adopt all resolutions necessary to carry the provisions of this act relating thereto into effect, and fix penalties for disobeying such rules, regulations or orders, and shall publish such orders. The violation of or disobedience to any rule, regulation or

Violations
of.

order of said board shall be a misdemeanor, punishable by a fine not exceeding five hundred dollars, or by imprisonment, not exceeding thirty days, or by both such fine and imprisonment on complaint of said board. The penalties aforesaid may be recovered by suit in the name of the mayor, aldermen and commonalty of the city of New York, and such suit shall be prosecuted by the counsel to the said corporation when directed by said board; and no defendant in any such suit shall be permitted to plead ignorance of any such order, rule or regulation. All rents, fines and penalties, and other moneys collected by said board, or by its direction, shall belong to the treasury of said city, and be paid into the sinking fund for the redemption of the city debt. Any three members of said board shall be a quorum for the transaction of any business of said board. Said board shall hold stated meetings, to be specified in by-laws, which board shall prepare and may alter from time to time.

How punishable.

Recovery of penalties.

To be paid into sinking fund.

Quorum.

Meetings.

§ 39. [*Of chap. 383, laws of 1870.*] The members of said board of the department of docks shall meet and organize as a board, by electing one of said members to be president thereof. The said board shall have power to hire, for a term of not more than ten years, an office or offices in said city, and

Organization.

President.

Offices.

Appoint-
ments.

Compensa-
tion.

Aggregate
expense.

Duties of
subordinates
to be pre-
scribed.

Resignation.

Non-resi-
dence to-
create va-
cancy.

Vacancies,
how filled.

furnish and supply the same for the transaction of the business of the board, and shall appoint a secretary and such subordinate officers, clerks, and agents as shall be necessary to assist said board in the performance of its duties and the exercise of its powers, and may fix the compensation of all persons so appointed; but the annual expenses of said board, for rent, furniture, supplies, and compensation of secretary and subordinate officers, clerks, and agents, shall not exceed in the aggregate the sum of one hundred thousand dollars. The president of said board shall be elected annually by the members thereof, and shall preside at all meetings of said board, and in case of his absence a temporary president may be elected by the board to preside. The board shall, in its by-laws, prescribe the duties of its secretary and of all the aforesaid subordinate officers, agents, or clerks, and may remove all persons appointed by said board, and appoint others in their places. Any member may resign his office by written resignation sent to the mayor of the city of New York. When any member of said board shall cease to reside in the city of New York his office as a member of said board shall become vacant. Any vacancy in said board and office, from death, resignation or otherwise, shall be filled by appointment by the said mayor for a full

term. No member of said board shall be interested, Members not to be interested in any work. directly or indirectly, in any contract, lease, bargain, purchase or agreement made by said board, under penalty of removal from office, and a violation of this Penalty. prohibition shall be a misdemeanor and punishable as such.

SEC. 40. [*Of chap. 383, laws of 1870.*] Said board Reports. of the department of docks shall annually, on or before the first Monday of January in each year, present to the mayor of said city, and publish for one week a report, containing: 1. The name, occupa- Publication. tion, and compensation of all persons appointed and employed by said board. 2. A statement of the action of the board for the past year, classified with reference to the various subjects and duties which have engaged the attention of the board. 3. A list of the orders and rules made by said board, and a description of the contracts made by said board, the payments made by said board, and the purposes and amounts thereof, and the leases made by said board, for what term, at what rent, to whom and for what property.

§ 41. [*Of chap. 383, laws of 1870.*] The advertisements and publications provided in the provisions of this act relating to the department of docks to be

How published.

Interest of people of state to lands under water.

made by said board of said department, shall be made in not more than five daily and five weekly newspapers published in said city, and at such rates as the said board may agree upon with such newspapers, and for such times, except where the time is specially provided in the provisions of this act relating thereto, as the said board may deem proper. The commissioners of the land office are hereby authorized and directed to convey by proper instruments in writing, necessary for the purpose, all the property, right, title, and interest of the people of the state of New York in and to the land under water used and taken by the said board for the construction of wharves, docks, piers, bulkheads, basins, and slips under this act, whenever said commissioners may be required by said board to make such conveyance to the mayor, aldermen, and commonalty of the city of New York.

Dock bonds to be issued.

§ 42. [*Of chap. 383, laws of 1870.*] The comptroller of the city of New York shall, from time to time, when directed by the commissioners of the sinking fund, prepare and issue bonds of said city to be called "Dock Bonds of the City of New York," signed, sealed, and countersigned in the same manner as other bonds of said city, and bearing not more

than seven per cent. interest per annum, and redeemable from time to time, but not before thirty years after the date thereof, for the purpose of raising the moneys necessary to carry out the provisions of this act, relating to the department of docks, its powers and duties; and the supervisors of the county of New York shall raise annually, by tax upon the estates in the said county subject to taxation, a sum equal to the annual interest upon so much of said bonds as shall have been issued, and shall raise in like manner, when said bonds shall fall due, a sum sufficient to pay the principal of said bonds. But not more than three millions of dollars of said bonds shall be issued in any one year, and none of said bonds shall be sold for less than the par value thereof. The moneys received from sales of said bonds shall be deposited in the treasury of the city of New York, and shall be drawn out and paid by the comptroller of said city for the several objects and purposes provided in this act, relating to the said department, its powers and duties, upon the requisition of the said board of the department of docks, countersigned by the commissioners of the sinking fund. The expenses and compensation of said board, its rent, the compensation of its appointees, the purchase-money and damages awarded under the thirty-fifth section of

Limitation
to \$3,000,000
a year.

this act upon the acquisition of private property, the payments under the contracts mentioned in the thirty-sixth section of this act, and for work performed under said section; and all other expenses and disbursements necessarily incurred in carrying out the said provisions of this act in keeping, maintaining, repairing, building, and rebuilding the wharves belonging to the said corporation, in dredging and cleaning slips, shall be paid out of said moneys in the manner above provided. The counsel to the corporation of said city shall be the legal adviser of said board, and shall appear and defend said board, and advise said board in all matters, suits, or proceedings when directed by said board.

Corporation
counsel to be
legal adviser.

§ 43. [*Of chap. 383, laws of 1870.*] The term "board," when used in the provisions of this act relating to the department of docks, its powers and duties, shall be taken to mean the "board governing the department of docks in the city of New York," and the terms "said corporation," and "corporation of the city of New York," when used therein, shall be taken to mean the "mayor, aldermen, and commonalty of the city of New York," and the terms "property" and "wharf-property," whenever used therein, shall be taken to mean not only all wharves,

Meaning of
terms.

piers, docks, bulkheads, slips, and basins, but the lands beneath the same, and all rights, privileges, and easements therein.

§ 44. [*Of chap. 383, laws of 1870.*] The provisions of this act relating to the department of docks, its powers and duties, shall not affect the powers of the captain of the port, and harbor masters of the port of New York, or those of the port wardens of the port of New York, as the same are now defined by law.

Not to affect
control of
state
officers.

ARTICLE ———.

Of the Board of Street Openings.

§ 30. [*Of chap. 383, laws of 1870.*] The mayor, comptroller, and commissioner of public works in the city of New York, and the commissioners of taxes and assessments for the city and county of New York, shall together form a board, to be known as "The Board of Street Openings," and shall have all the powers and authority as to laying out, opening, widening, straightening, extending, altering, and closing streets or avenues, or parts of streets or avenues, in that part of the city of New York, south of Fourteenth street, now vested by law in the mayor, aldermen and commonalty of the said city; and the

Board of
street
openings.

How
composed.

Powers and
authority.

said board are hereby authorized and empowered, whenever they may deem it for the public interest so to do, to lay out new streets in said part of said city, and from time to time to cause maps showing the several streets or avenues so laid out, opened, widened, straightened, extended, altered or closed by them, to be certified by them and filed, one in the office of the department of public works of said city, and one in the office of the counsel to the corporation of said city; and it shall be the duty of the said counsel to the corporation, on the filing of said maps in his office, together with a requisition in writing of said board, immediately to take proceedings in the name of the mayor, aldermen and commonalty of said city to acquire title for the use of the public to the land required for the streets or avenues so laid out, opened, widened, straightened, extended or altered, and for that purpose to make application to the supreme court in the first judicial district for the appointment of commissioners of estimate and assessment, indicating in such application the land required for that purpose by reference to said map on file as aforesaid; and the proceedings to acquire title to such lands shall be had pursuant to such acts as shall be then in force relative to the opening, straightening, extending or altering streets, roads,

Corporation
counsel to
take pro-
ceedings.

Commis-
sioners of
estimate and
assessment.

avenues and public squares and places in the city of New York, which said acts, so far as the same are not inconsistent with the provisions of this section, are hereby made applicable to the streets and avenues or parts of streets and avenues so laid out, opened, widened, straightened, extended and altered, and to the proceedings authorized hereby, except that the commissioners of estimate and assessment, who may be appointed by the supreme court for acquiring title to any land required for the purposes of this section, may assess therefor all such parties and persons, Assessments. lands and tenements, as they may deem to be benefited by such improvement, and to the extent which they may deem such parties, persons, lands, and tenements benefited thereby. And the said board is also authorized and empowered to close all such streets and avenues, or such parts thereof as they may deem for the public interest so to do, and to direct the said counsel to the corporation to take such proceedings in the name of the mayor, aldermen, and commonalty for the closing of such streets or avenues, or parts thereof, as are now or shall be then provided by law, who shall thereupon apply to the supreme court for the appointment of commissioners of estimate and assessment in the matter of the closing of said street, avenue, or part thereof as in the

Quorum.

Majority
vote
sufficient.

manner provided by law. A majority of said board shall constitute a quorum; but the vote of a majority of all the members thereof shall be necessary to any act of said board.

ARTICLE FIFTEENTH.

General Provisions, Powers, and Limitations.

Advertising,
restrictions
on.

§ 1. [*Of chap. 883, laws of 1870.*] * * * All advertising for the city government hereafter, including the legislative and executive departments, and in street and assessment proceedings, shall be published in not more than seven daily and six weekly newspapers, printed and published in said city, to be designated from time to time by the mayor and comptroller of said city, and it shall not be lawful for any officer to pay or allow to be paid any money for advertising hereafter made or incurred, of any description for or on account of the corporation, except to such newspapers, and any such officer making or allowing any such payment shall become personally liable for the amount so paid. * * *

Quorum of
boards.

SEC. 100. A majority of a board in any department of the city government shall constitute a quorum to perform

any act authorized to said department, and each board may choose, in its own pleasure, a president from its members to preside at board meetings, and a chief clerk.

Department, boards to choose president and clerk.

SEC. 101. No expense shall be incurred by any of the departments, or officers thereof, whether the object of expenditure shall have been ordered by the common council or not, unless an appropriation shall have been previously made covering such expense.

No expenditures without appropriation for.

SEC. 102. Whatever provisions and regulations other than those herein specially authorized may become requisite for the fuller organization, perfecting, and carrying out of the powers and duties prescribed to any department by this act, they shall be provided for by ordinance of the common council, who are hereby authorized to enact such necessary ordinances; except that the common council shall never pass an ordinance in relation to regulating the internal affairs of any of the departments herein authorized, or the workings of any of the bureaux, or the duties of any of the subordinate officers of the corporation, or the number of persons to be employed in said department, nor increasing their salaries, except upon the previous application in writing therefor of the head of the department to be affected by said ordinance.

Provisions for regulation of departments.

Restrictions on common council.

Increase of salaries.

SEC. 103. It shall be the duty of the common council to

Security to
be required
of officers.

provide for the accountability of all officers and other persons to whom the receipt or expenditure of the funds of the city shall be intrusted, by requiring from them sufficient security for the performance of their duties or trust, which security shall be annually renewed ; but the security first taken shall remain in force until new security shall be given.

Contracts to
be made by
heads of de-
partments.

SEC. 104. All contracts to be made or let by authority of the common council for work to be done or supplies to be furnished, except printing and advertising, and all sales of personal property in the custody of the several departments or bureaux, shall be made by the appropriate heads of departments under such regulations as shall be established by ordinances of the common council. Whenever

Work to be
let by con-
tract.

any work is necessary to be done to complete or perfect a particular job, or any supply is needful for any particular purpose, which work and job is to be undertaken or supply furnished for the corporation, and the several parts of the said work or supply shall together involve the expenditure of more than one thousand dollars, the same shall be by contract, under such regulations concerning it as shall be established by ordinance of the common council, unless by a vote of three-fourths of the members

When other-
wise let.

elected to each board it shall be otherwise ordered ; and all contracts shall be entered into by the appropriate heads

of departments, and shall be founded on sealed bids or proposals made in compliance with public notice duly advertised in newspapers of the city, said notice to be published at least ten days; and all such contracts, when given, shall be given to the lowest bidder, the terms of whose contract shall be settled by the counsel to the corporation as an act of preliminary specification to the bid or proposal, and who shall give security for the faithful performance of his contract in the manner prescribed and required by ordinance; and the adequacy and sufficiency of this security shall, in addition to the justification and acknowledgment, be approved by the comptroller. All bids or proposals shall be publicly opened by the officers advertising for the same, and in the presence of the comptroller. If the lowest bidder shall neglect or refuse to accept to contract within forty-eight hours after written notice that the same has been awarded to his bid or proposal, it shall be re-advertised and relet as above provided.

Contracts to
be advertised.

Bids to be
publicly
opened.

SEC. 105. All property sold under the authority of the common council shall be sold at auction, after previous public notice, under the superintendence of the appropriate head of department. Every contract, when made and entered into, as before provided for, shall be executed in duplicate, and shall be filed in the department of finance; a receipt for each payment, made on account

Sales of
property to
be by auc-
tion.

Payment of
contractors.

of or in satisfaction of the same, shall be indorsed on the said contract by the party receiving the warrant, which warrant shall be only given to the person interested in such contract, or his authorized representative. The proceeds of all sales made under and by virtue of this section shall be by the officer receiving the same immediately deposited with the chamberlain, and the account of sales verified by the officer making the sales shall be immediately filed in the office of the comptroller. No expenditure for work or supplies, involving an amount for which no contract is required, shall be made except the necessity therefor be certified to by the head of the appropriate department, and the expenditure has been duly authorized and appropriated.

Expendi-
tures to be
certified as
necessary by
heads of de-
partments.

Certificates
of appoint-
ment.

SEC. 106. Whenever the mayor shall appoint any officer under this act, he shall give to the said officer a certificate of appointment, and therein designate the term for which such officer has been appointed.

No appoint-
ments to be
made by
acting
mayor.

SEC. 107. The power of making appointments herein conferred shall only be exercised by the mayor elected to that office, and not by an acting mayor, and in the event of the death, resignation, or removal of such elected mayor, such power shall devolve on and be exercised by the comptroller of said city. In case of any vacancy in

any head of department or chief officer thereof, it shall be filled for the full term in the like manner as if it were an original appointment to such office, except where herein otherwise provided for.

Appoint-
ments to
vacancies to
be for full
term.

SEC. 108. Every person elected or appointed to any office under the city government shall, on or before the first day of January next succeeding such election, or within five days after notice of such appointment, take and subscribe, before the mayor, or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office; which oath or affirmation shall be filled in the office of the mayor.

Oath of
office to be
taken.

SEC. 109. Any officer of the city government, or person employed in its service, who shall wilfully violate or evade any of the provisions of this act, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and, in addition to the penalties imposed by law, shall forfeit his office, and be excluded forever after from receiving or holding any office under the city; and any person who shall wilfully swear falsely in any oath or affirmation required by this act shall be guilty of perjury.

Penalties for
violation of
charter by
officers.

SEC. 110. No officer of the city government, except a

Perquisites
to officers
forbidden,
with excep-
tions.

collector of city revenue, a collector of assessments, a clerk of arrears, or counsel to the corporation, shall have or receive from the corporation or city treasury any perquisites or any compensation or commission for his services, in addition to his salary.

Salaries of
officers, how
fixed.

SEC. 111. The salaries of all officers provided for by this act, except of such as are hereinbefore mentioned, or of any office that may be created by the common council for the purpose of giving effect to the provisions of this act, shall be prescribed by ordinance or resolution to be passed by the common council, and approved as hereinbefore provided for the approval of ordinances or resolutions; and any fees that shall hereafter be provided for any officer under this act, except as aforesaid, shall on the receipt thereof be paid by such officer into the city treasury.

Securities
for financial
officers.

SEC. 112. All officers or other persons to whom the receipts or expenditures of the city, or fees or funds payable into the city treasury, shall be intrusted, shall give sufficient security for the faithful performance of their duty, in such form and amount as the comptroller may prescribe, which security shall be annually renewed.

Defaulters
cannot be
contractors.

SEC. 113. No bid shall be accepted from, or contract awarded to, any person who is in arrears to the corpora-

tion upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the corporation.

SEC. 114. Every person who shall promise, offer, or give, or cause, or aid, or abet in causing to be promised, offered, or given, or furnish or agree to furnish, in whole or in part, to be promised, offered, or given to any member of the common council, or any officer of the corporation, after his election as such member, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action or other property, or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment, or action on any question, matter, cause, or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every officer in this section enumerated, who shall accept any such gift or promise, or undertaking to make the same under any agreement, or understanding that his vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any question, matter, cause, or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction,

Penalties for
bribing
officers, or
accepting
bribes.

be disqualified from holding any public office, trust, or appointment under the city of New York, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury, or in any court, in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

City officers
cannot be
interested in
contracts.

SEC. 115. And no member of the common council, head of department, chief of bureau, deputy thereof or clerk therein, or other officer of the corporation shall be directly or indirectly interested in any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the common council; nor in the purchase of any real estate, or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the said corporation.

SEC. 116. There shall continue to be, as now provided

and recognized by special laws and ordinances, a board of commissioners of the sinking fund, composed of the mayor, recorder, chamberlain, comptroller, and chairmen of the respective finance committees of each board of the common council, with all the powers and duties now assigned, designated, and ratified by existing laws and ordinances.

Commissioners of sinking fund.

§ 11. [*Of chap. 393, laws of 1870.*] It shall be lawful for the commissioners of the sinking fund of the city of New York in their discretion, and they are hereby empowered in such discretion, to cancel any portion of the indebtedness of the said city, held by them, which is by law redeemable from the sinking fund, and to sell any stocks and bonds which they may hold that are not payable from said fund, and with the proceeds of such sale of stocks and bonds to buy any other stocks and bonds which are payable from said fund.

May cancel certain indebtedness.

§ 12. [*Of chap. 383, laws of 1870.*] The commissioners of the sinking fund are hereby authorized and empowered to assign to the board of education of the city of New York, such property belonging to the city north of Fortieth street as they may deem suitable for the erection of an edifice for the normal school, and on such conditions as they shall deem

To assign property for a normal school.

proper and for the use of said board. The normal school under the charge of said board shall hereafter be known as the normal college of the city of New York.

Certain property may be exempted from taxation.

SEC. 117. Whenever the mayor and comptroller shall agree that a proper case exists for exempting, within the city of New York, from assessment any church, hospital, charitable institution, or free library, in accordance with the principle of like provisions heretofore adopted in the laws of the state, they may file a certificate to that effect with the proper board of assessors, and in the finance department; whereupon such exemption shall be final, and the amount of the proper assessment be charged against the city as if city property.

Time for elections.

SEC. 118. All elections for all city officers and school officers except the one in May, eighteen hundred and seventy, shall be held at the general election in November in each year, and the officers elected shall take office on the first Monday of January next succeeding, unless herein otherwise provided. All the provisions of law now in force in regard to the duration, manner of conducting elections, and canvass and estimate of votes at general elections, shall apply to each election of city officers.

SEC. 119. The terms of office of the commissioners of

public charities and correction, of the commissioners of the Central park, and of the superintendent of buildings, shall terminate at the expiration of fifteen days from and after the passage of this act.

Terms of certain officers, when to expire.

§ 2. [*Of chap. 383, laws of 1870.*] The amounts estimated for the year eighteen hundred and seventy, for the support of the metropolitan police department, the metropolitan health department, the metropolitan fire department, and the department of public charities and correction, as provided by the then existing laws, shall be and the same are hereby appropriated for the support of said departments, as now established [by the act entitled "An act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy,] and the amounts estimated for the support of the board of education and the college of the city of New York are also appropriated for said purposes; all of said sums so estimated and appropriated shall be included in the taxes for the year one thousand eight hundred and seventy, and that portion which has been paid from the county treasury up to the date of the passage of the aforesaid act shall be raised as county expenses. * * *

Estimates and appropriations for certain departments, for 1870.

§ 3. [*Of chap. 383, laws of 1870.*] In order to

Adjustment
of accounts
between city
and county.

adjust the accounts between the city and county of New York, [made necessary by the act entitled "An Act to reorganize the local government of the city of New York," passed April fifth, eighteen hundred and seventy,] the comptroller of said city is hereby authorized to cause proper entries to be made in the books of the finance department to conform to the provisions of said act, and to apportion the amounts paid by the county of New York prior to its passage, and the amounts apportioned as county charges shall be so raised by tax. The comptroller is also authorized to make the additional appropriations for eighteen hundred and seventy, required for city and county purposes to conform to the provisions of this act and of other laws, but in no case shall appropriations be made in excess of the amounts provided by law.

Interest on
bonds.

§ 4. [*Of chap. 383, laws of 1870.*] The board of supervisors of the county of New York shall raise by tax, in the year eighteen hundred and seventy, and every year thereafter, the amount necessary to pay the interest on the bonds of the city of New York, issued and authorized to be issued, as provided by section eight of chapter six hundred and ninety-seven of the laws of eighteen hundred and sixty-seven.

§ 5. [*Of chap. 383, laws of 1870.*] The comp-

troller of the city of New York is authorized to borrow, from time to time, on the credit of the corporation, in anticipation of its revenues, and not to exceed in amount the amount of such revenues, such sums as may be necessary to meet expenditures under the appropriations for each current year.

Comptroller
may borrow
on revenue
bonds.

§ 17. [*Of chap. 383, laws of 1870.*] No action shall be maintained against the mayor, aldermen, and commonalty of the city of New York, unless the claim on which the action is brought has been presented to the comptroller, and he has neglected for thirty days after such presentment to pay the same. Before any execution shall be issued on any judgment recovered upon such a claim, a notice of the recovery thereof shall also be given to the comptroller, and he shall be allowed ten days to provide for its payment by the issue of revenue bonds in the usual manner according to law.

Action
against
the city.

Restriction
on execu-
tion.

§ 48. [*Of chap. 383, laws of 1870.*] All moneys hereafter received by the commissioners of excise, of the city of New York for licenses issued by them, pursuant to law, and for fines and penalties collected for violation of the act under and by virtue of which they are appointed shall, within five days after any receipt thereof, be paid to the chamberlain of the city of New York to the account of the sinking

Excise
license fees
to be paid to
Chamber-
lain.

Deduction
for expenses
and salaries.

fund, after deducting therefrom a percentage of ten per cent. which shall be paid into the city treasury, and the ten per cent. thus paid shall be appropriated by the comptroller for the purpose of first paying the necessary clerk hire, expenses and disbursements of the commissioners of excise, and the remainder of said percentage to be equally divided among the said commissioners as their annual compensation. All payments herein authorized shall be made by the comptroller on warrants drawn, according to law, upon the requisition of said commissioners.

Court of
special sessions.

§ 49. [*Of chap. 383, laws of 1870.*] The court of special sessions of the peace in and for the city and county of New York shall hereafter be held by those two police justices of the city of New York who shall be designated for that purpose by the mayor of said city, under his hand and seal, within thirty days after the passage of this act, whereupon they shall, in holding said court, exclusively possess all the powers and duties now possessed by justices of said court, and also the power to adopt court rules, and to appoint, and, at pleasure, remove all clerks, stenographers, and other officers in said court. In the event of any vacancy, the mayor shall imme-

By whom
to be held.

Powers and
duties.

diately in like manner aforesaid designate any other police justice to fill it. In case of any disability of either of the two police justices to hold court, it shall be legal for the other to hold it while such disability continues. All provisions of law inconsistent herewith are repealed.

Vacancies or disability, how provided for.

§ 1. [*Of chap. 383, laws of 1870.*] * * * The mayor and comptroller are hereby authorized to fix the salaries of the civil justices of said city (or any or either of them) as they may deem the legal business of the respective districts to justify, not exceeding the salary now paid to the police justices of said city. * * *

Salaries of civil justices.

SEC. 120. The city of New York is hereby excepted from the provisions of an act entitled an act to establish a metropolitan police district, and to provide for the government thereof, passed April fifteenth, eighteen hundred and fifty-seven, and of the acts amendatory thereof, and any sections of statutes and provisions of law which created said district are hereby repealed; and the city of New York is also hereby excepted from the provisions of the act entitled an act to create a metropolitan sanitary district and board of health therein for the preservation of life and health, and to prevent spread of disease, passed February twenty-sixth, eighteen hundred and sixty-six,

City excepted from certain laws.

and of the acts amendatory thereof, and any sections of statutes and provisions of law which created said district are hereby repealed; and the city of New York is also hereby excepted from the provisions of an act entitled an act to create a metropolitan fire district, and establish a fire department therein, passed March thirtieth, eighteen hundred and sixty-five, and the acts amendatory thereof, and any sections of statutes and provisions of law which

Certain laws
repealed.

created said district are hereby repealed. The act to amend the charter of the city of New York, passed April seventh, eighteen hundred and thirty; and the act to amend the charter of the city of New York, passed April second, eighteen hundred and forty-nine; and the act to amend an act entitled an act to amend the charter of the city of New York, passed April second, eighteen hundred and forty-nine, passed July eleventh, eighteen hundred and fifty one; and the act further to amend the charter of the city of new York, passed April twelfth, eighteen hundred and fifty-three; and the act supplementary to an act entitled an act further to amend the charter of the city of New York, passed April twelfth, eighteen hundred and fifty-three, passed June fourteenth, eighteen hundred and fifty-three; and the act to amend the charter of the city of New York, passed April fourteen, eighteen hundred and fifty-seven; and the act relative to the charter of the city of New York, passed April

three, eighteen hundred and sixty-three; and the act to amend the charter of the city of New York, passed August thirty-one, eighteen hundred and sixty-eight, are hereby repealed; and all acts, or parts of acts, inconsistent with the provisions of this act, are also hereby repealed; but the charters of the city of New York, known as the

Dongan and Montgomerie charters, so far as the same or either of them are now in force, shall continue and remain in full force, and shall not be construed as repealed, modified, or in any manner affected thereby.

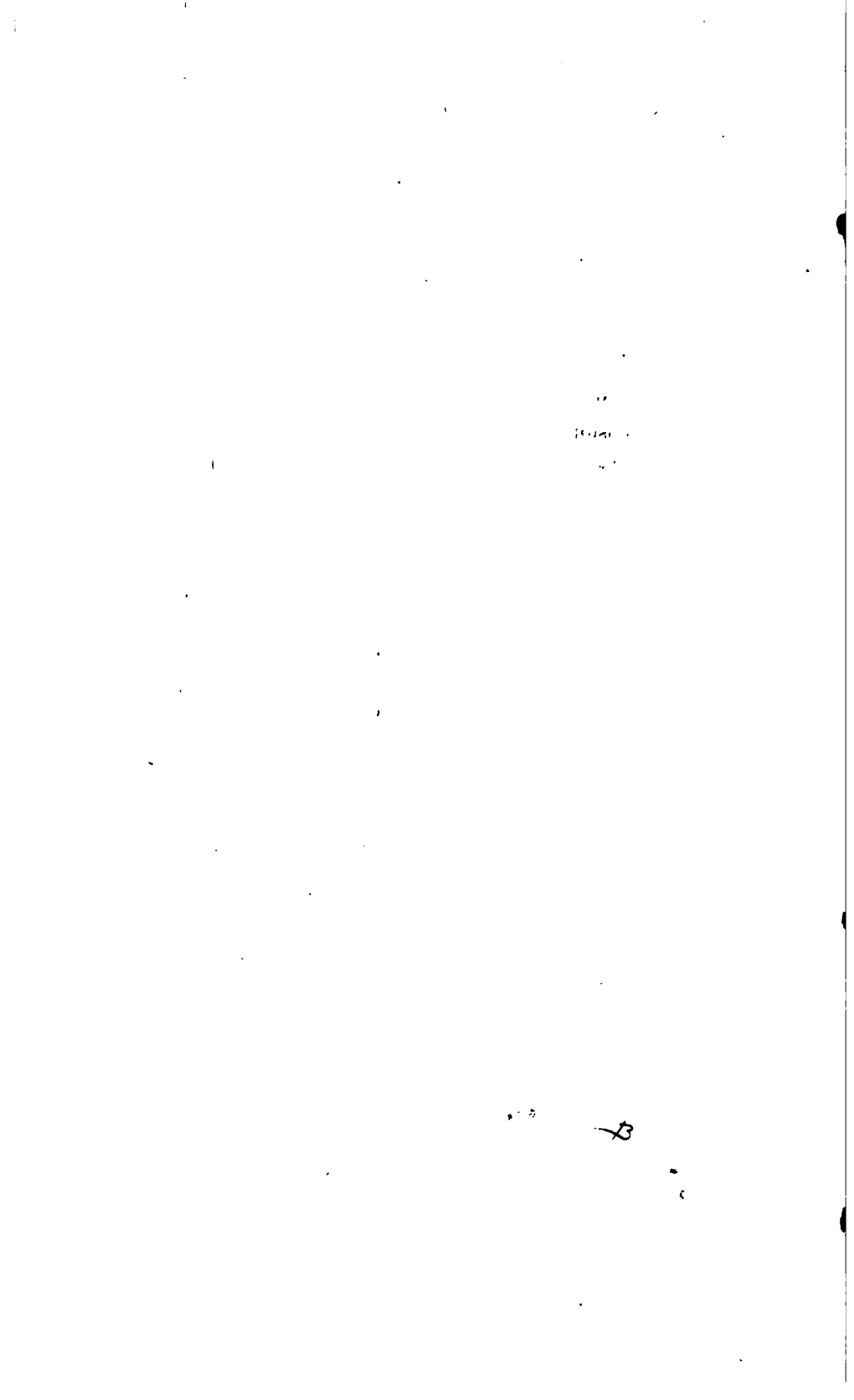
Dongan and Montgomerie charters to remain in force.

This section shall not prejudice or affect any right accrued or legal proceeding commenced by reason of anything contained in the acts hereby repealed, and so accrued and commenced before this act takes effect; nor shall this section be so construed as to abrogate or repeal any provisions of acts heretofore enacted, which acts provide in any way for the raising or collecting of revenues in the city of New York, commonly called tax levies.

Accrued rights, &c., reserved.

Provisions of tax laws not abrogated.

SEC. 121. This act shall take effect immediately.





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Department of Public Parks. New York
: New York Print. Co., 1870.
xiv, 231 p. ; 23 cm.
Includes index.

1. Parks--New York (State) 2. New
York (N.Y.)--Parks--Central Park.
I. New York (N.Y.). Dept. of Public
Parks.

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